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INDIANA HISTORICAL COLLECTIONS

Volume XX

THE LAWS OF  
INDIANA TERRITORY  
1809-1816

## INDIANA HISTORICAL COLLECTIONS

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- VI. GOLD STAR HONOR ROLL
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- XV. FORT WAYNE, GATEWAY OF THE WEST, 1802-1813, edited by Bert J. Griswold
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- XVII. CONSTITUTION MAKING IN INDIANA (Volume III), by Charles Kettleborough
- XVIII. INDIANA BOOK OF MERIT, compiled by Harry A. Rider
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THE LAWS OF  
INDIANA TERRITORY  
1809-1816

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Edited By

LOUIS B. EWBANK

and

DOROTHY L. RIKER

With a Foreword By

GOVERNOR PAUL V. McNUTT

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## FOREWORD

**T**HIS volume completes the modern reprinting of the legislation enacted by the territorial governments under whose jurisdiction the area now comprising the state of Indiana belonged. The publication of the *Laws of Indiana Territory, 1801-1809*, with an introduction by Professor Francis S. Philbrick, and of the *Laws of the Northwest Territory, 1788-1800*, with an introduction by Theodore C. Pease, and permission for the Indiana Historical Bureau to reprint the former with supplementary material, we owe to the Illinois State Historical Library. The original issues of all these laws are excessively rare, and earlier partial reprints, also, are scarce. It is obviously desirable that this complete body of laws should be easily available to lawyers and historians, and it is significant that while these volumes are being published by the states, the federal government, through the Department of State, has been preparing a systematic collection of the papers of the territories, beginning with the Northwest Territory, and to include a volume on Indiana Territory. There will be assembled, shortly, therefore, a great mass of basic material for the understanding of our pioneer era.

I hope that in the course of their investigations our historians will throw light upon long-standing problems in connection with early legislation. How far were these territorial laws the expression of local public opinion? How far did they attempt to change established standards of conduct and customs in process of formation? How was this legislation enforced, and how generally were the laws observed? What function did territorial legislation fulfill in the development of this new country? Answers to such questions will be of interest, not only to historians, but to the men in public life who deal with the vastly complicated problems of present-day legislation and administration.

0290

The territorial assemblies, in size, more nearly resembled our present committees than our Senate and House of Representatives with their fifty and one hundred members respectively. In the old territorial Legislative Hall at Vincennes, recently restored, the Council table with one long side for the presiding officer and three short sides for the other members of the Council, is eloquent of the intimacy of territorial legislation.

The problems of legislators vary from period to period, from year to year. In the period covered by this volume the assemblies had to set up county governments and organize these and lesser local units of government; they had to establish and reorganize courts; they had to extend a very limited governmental control and a very limited legal procedure over a sparse and widely scattered population suffering from great difficulty of communication. They were concerned with the elemental physical needs of a newly occupied region: attraction of immigration, roads, navigation of streams, ferries, gristmills, armed defense against Indians, extermination of predatory animals.

Yet some advance may be noticed in these years as compared with the first ten years of territorial legislation. The assemblies were now looking forward to statehood; preparation for it, and efforts to hasten it, received much attention. The institution of a more settled civilization became the object of consideration. In the laws and memorials we see the incorporation of churches, of the Vincennes Library, the Vevay Literary Society, seminaries, provision for care of the insane, and for inspection of food such as beef, pork, and flour. I believe, also, that county records show a quicker and more general knowledge of legislation enacted than in the first decade, though there were still many instances of belated receipt of information by county officers.

Infinite changes have come in the hundred and more years since the laws reprinted in this volume were enacted. Our legal system covers a multitude of fields

that lay far beyond the horizon of even the later territorial years. Geographical extension of government has given place to extension of powers and control necessitated by the impact of a mechanistic civilization. Simplification, unification, and consolidation are now dominant issues.

In spite of differences, the relation of territorial legislation to lawmaking in subsequent times cannot be ignored. The territorial laws continued in force under statehood unless, or until, repealed by the state constitution or later legislation. Even after practically all had been superseded their influence persisted, as Judge Ewbank has shown, in subsequent laws and administration. Fundamentally, the wants of the citizen of 1809-1816 were not unlike those of the citizen of 1934—a chance for betterment by education, immediate justice in the courts, a reasonable care for his physical well-being, and economic opportunity.

PAUL V. MCNUTT

EXECUTIVE DEPARTMENT  
STATE OF INDIANA  
June 25, 1934



## PREFACE

**I**N this volume is reprinted the legislation of the General Assembly of Indiana Territory during the period from March 1, 1809, the date of the separation of the western part of the territory and its creation into Illinois Territory, to the first Monday of August (August 5), 1816, when members of the first General Assembly of the state of Indiana were elected as prescribed by the constitution adopted on June 29, 1816.

The session laws are reprinted from original editions in the Indiana State Library, supplemented by the collection owned by John G. Rauch, and by the collection of the library of the Indiana Supreme Court. No attempt has been made to duplicate the exact fonts of type used, such typographical errors as inverted type, or termination of lines. The printed session laws have been collated with the enrolled acts in the office of the Secretary of State and in the possession of the Indiana Historical Society; except that enrolled copies of chapters 52 and 55 of the 1810 session, chapters 1-5, 7-9, 11, 13-14, 17-21, 23-30, 32-34, 36-40, and 42-43 of the 1811 session, and chapter 9 of the 1813 session have not been found.

Private acts which were printed in the session laws by title only have been printed as Appendix I from the enrolled acts in the office of the Secretary of State. The act incorporating the Roman Catholic Church in Vincennes, which was missing in the files of the Secretary of State, is printed from a photostatic copy of the enrolled act which is now in a private collection.

Memorials and joint resolutions of significance passed by the General Assembly have been collected from various sources and printed as Appendix II. In a few instances no copies of resolutions and memorials could be found; these are printed by title only.

The effort has been made in the reprinting of the laws and in the appendixes of private laws, memorials, and



resolutions to give as complete a record as possible of the official acts of the territorial assemblies for the period March 1, 1809-August 5, 1816.

The roster of territorial and county officials published in *Laws of Indiana Territory, 1801-1809*, edited by Francis S. Philbrick as a volume of the *Illinois Historical Collections*, and reprinted by the Historical Bureau with supplementary Indiana material, has been carried on to 1816 in this volume. For the sake of having in one place a complete roster for the territorial period, 1800-1816, parts of the list already printed have been included here, with some additions and revisions made possible by the discovery of new material.

The Historical Bureau is indebted to Miss Esther U. McNitt, chief of the division of Indiana history and archives, Indiana State Library, to Dr. J. Franklin Jameson, chief of the division of manuscripts, Library of Congress, to J. Frank Mayr, secretary of state, and Miss Clara Schmok, his executive assistant, for making available the session laws and manuscript material reproduced in this volume. To Dr. Charles Kettleborough, director of the Legislative Bureau, we are indebted both for suggestions and information on matters of legislative procedure. Dr. Clarence E. Carter, editor of the territorial papers in the Department of State, Washington, has put the Historical Bureau under great obligation: his familiarity with the period and subject of this volume, his untiring thoroughness in answering questions, and his generosity in giving use of his unpublished compilation have been of the greatest assistance. The county clerks to whom application was made have been uniformly helpful and have spared no pains in making their records available. To Harlow Lindley, secretary and librarian of the Ohio State Archaeological and Historical Society we are indebted for references to a number of Ohio newspapers.

CHRISTOPHER B. COLEMAN,  
*Director of the Historical Bureau*



## CONTENTS

Review of Legislation.....	3
Acts of Assembly of the Indiana Territory. Passed at the First Session of the Third General Assembly of the said Territory, Begun and held at the Borough of Vincennes, on Monday the twelfth day of November, A.D. one thousand eight hundred and ten .....	89
Acts of Assembly of the Indiana Territory, Passed at the Second Session of the Third General Assembly of the said Territory, Begun and held at the Borough of Vincennes, on Monday the eleventh day of November, A.D. one thousand eight hundred and eleven .....	209
Acts of Assembly of the Indiana Territory, Passed at the First Session of the Fourth General Assembly of the said Territory, Begun and held at the Borough of Vincennes, on Monday the first day of February, A.D. one thousand eight hundred and thirteen .....	295
Acts of Assembly of the Indiana Territory, Passed at the Second Session of the Fourth General Assembly of said Territory, Begun and Held at the Town of Corydon, on Monday the Sixth Day of December, A.D. One Thousand Eight Hundred and Thirteen .....	371
Acts of Assembly of the Indiana Territory, Passed at the First Session of the Fifth General Assembly of said Territory, Begun and Held at the Town of Corydon, on Monday the Fifteenth Day of August, A.D. One Thousand Eight Hundred and Fourteen	515

Acts of Assembly of the Indiana Territory, Passed at the Second Session of the Fifth General Assembly of said Territory, Begun and Held at the Town of Corydon, on Monday the Fourth Day of December, A.D. One Thousand Eight Hundred and Fifteen. . .	599
Appendix I. Private Acts passed by the Indiana Territorial Assemblies, 1810 and 1814. . . . .	703
Appendix II. Memorials and Joint Resolutions passed by the Indiana Territorial Assemblies, 1809-1815 . . . . .	765
Appendix III. Roster of Territorial Officers, Delegates to Congress, Circuit Judges, Members of the General Assemblies, and County Officials, 1800-1816 . . . . .	817
Index . . . . .	865

REVIEW OF LEGISLATION



REVIEW OF LEGISLATION  
INDIANA TERRITORY BEFORE 1809

THE Northwest Territory had commenced its career with two vigorous young settlements at Marietta and Cincinnati, made up of persons, largely Revolutionary soldiers, newly arrived from New England; Clark's Grant (the Illinois Grant) laid out for George Rogers Clark and the men who had served under him, around Clarksville opposite Louisville; old French settlements on the Illinois side of the Mississippi River opposite and below St. Louis, principally at Cahokia, Prairie du Rocher, and Kaskaskia; Vincennes on the Wabash, an old French village with recent additions of Virginians; Detroit and other posts on the Great Lakes, held by the English for most of the first decade; besides fur buyers living among the Indians at many other places. The rest of the territory was wilderness and prairie, uninhabited save for Indians, mostly hostile.

In accordance with the Ordinance of 1787, the parts of the Northwest Territory in which the Indian titles had been extinguished were early laid out into counties; disregarding the provision regarding Indian titles, county boundaries were eventually defined so as to include the whole territory. The frontier villages were made seats of justice and county seats: Marietta, for Washington County, embracing most of eastern Ohio; Cincinnati, for Hamilton County, between the Little Miami and the Great Miami (enlarged to include most of southwestern Ohio and Indiana east of the Greenville treaty line); Vincennes, for Knox County, which at first included all of Indiana, part of Ohio, most of Michigan, and most of eastern Illinois; Cahokia, Prairie du Rocher, and Kaskaskia, for St. Clair County, in southwestern Illinois; Detroit, for Wayne County (1796), which at first took in northwestern Ohio, all of Michigan, and parts of Indi-

ana, Illinois, and Wisconsin. As settlements developed and settled areas increased the old counties were altered and new ones created.

The size of the Northwest Territory and difficulties of communication led in 1800 to the detachment from it of Indiana Territory including the present states of Indiana, Illinois, Wisconsin, half of Michigan, and part of Minnesota. By 1810 Indiana Territory was reduced by detachments to an area less than the present size of the state by a ten-mile strip along the northern border: this area had a civilized population of 24,520, of whom 393 were free negroes and 237 were slaves. Michigan Territory had been cut off by an act of Congress of January 11, 1805, effective June 30, defining it as "all that part of the Indiana territory, which lies north of a line drawn east from the southerly bend or extreme of lake Michigan" (ten miles south of the present boundary) and "east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States."<sup>1</sup> Illinois Territory had been created by an act of February 3, 1809, cutting off the western portion of Indiana Territory.<sup>2</sup> The act had been passed in response to insistent appeals from the towns along the Mississippi.

The western boundary line of Indiana Territory fixed by the act of 1809 followed the plan of division set out in Article V of the Ordinance of 1787 and consented to by the commonwealth of Virginia, which provided that the eastern boundary of the western state, Illinois, in the Northwest Territory, should be the Wabash River and "a direct line drawn from the Wabash and Post Vincennes due north," and that the middle state, Indiana, should be bounded by "the said direct line, the Wabash from Post Vincennes to the Ohio; by the Ohio," etc.<sup>3</sup> A glance at the map of Knox, Sullivan, and Vigo counties will disclose that "a direct line drawn from the Wabash and Post

<sup>1</sup> *Post*, 101.

<sup>2</sup> *Post*, 102-3.

<sup>3</sup> *Post*, 96-97.

Vincennes due north," runs east of a large tract of land embraced within the western bend of the river, more than seven miles wide at its greatest width, and embracing nearly a hundred square miles. This fact caused some dispute as to jurisdiction, and the description was changed in the act of Congress authorizing the admission of Indiana as a state;<sup>1</sup> this act and the constitutions of 1816 (Article 11, section 17) and 1851 (Article 14, section 1), all define the western boundary of Indiana as a line drawn along the middle of the Wabash River from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of the Wabash River. The boundary line as given in the Enabling Act has now been firmly established for more than a hundred years.<sup>2</sup>

When the territory of Indiana was originally formed out of the western portion of the Northwest Territory by an act of Congress, approved May 7, 1800, it was made to embrace only "that part . . . north-west of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky river, and running thence to fort Recovery, and thence north," etc.<sup>3</sup> This excluded from Indiana Territory a strip of land now in the southeast corner of the state, approximately 20 miles wide at the south end and tapering to a point some 115 miles farther north, lying east of the old Indian boundary line fixed by Wayne's treaty at Greenville, Ohio, in 1795, after the Battle of Fallen Timbers. This strip embraced nearly a thousand square miles of what is now part of Indiana, including all of two present counties, the greater part of two more, and portions of four others, with the present sites of Union City, Richmond, Liberty, Brookville, Lawrenceburg, Aurora, Rising Sun, and Ve-

<sup>1</sup> *Annals of Congress*, 14 Congress, 1 session, 1841-44.

<sup>2</sup> See *Indiana Boundaries. Territory, State, and County*, by George Pence and Nellie C. Armstrong, 8-13 (*Indiana Historical Collections*, vol. 19, Indianapolis, 1933), for a more detailed discussion of the Illinois-Indiana boundary.

<sup>3</sup> *Post*, 99.



vay. On the other hand, by this act Indiana Territory included a strip adjoining the present state line on the east, more than a mile wide (for Fort Recovery was more than a mile east of the line) and some 95 miles long, which now forms a part of the state of Ohio.

The act of Congress providing for the admission of Ohio as a state, approved April 30, 1802, enacted (as the Ordinance of 1787 provided) that Ohio and Indiana Territory should be divided by a direct line drawn due north from the mouth of the Great Miami, and that "all that part . . . heretofore included in the eastern division of said territory, and not included within the boundary herein prescribed for the said state [of Ohio], is hereby attached to, and made a part of the Indiana territory, from and after the formation of the said state."<sup>1</sup> On March 7, 1803, the district thus ceded was erected into the county of Dearborn.

#### THE LAWMAKING BODY

William Henry Harrison was appointed the first governor of Indiana Territory on May 13, 1800, and was reappointed in 1803, 1806, and 1809. The first laws of the territory were those enacted by the governor and judges. In 1804 the people voted to enter the second grade of government and the following year the first General Assembly convened. It was composed of a House of Representatives elected by the free white male inhabitants over twenty-one who could show possession of a freehold in fifty acres of land and citizenship in one of the states for one year and residence in the district for one year, or residence in the district for two years, and of a Legislative Council of five members appointed by the president with the advice and consent of the Senate after nomination by the territorial House of Representatives.

A member of the Council was required to be a resident of the district and possess a freehold of five hundred acres

<sup>1</sup> *Post*, 100-1.



of land, while a representative must have been a citizen of one of the states for three years and a resident of the district, or a resident of the district for three years, in addition to having a freehold of two hundred acres of land.

The right to vote for representatives was slightly extended in 1808 to include those who might become purchasers of fifty acres of land from the United States government and those who owned town lots worth \$100. The following year the right to vote for legislative councilors was given to those citizens entitled to vote for representatives.<sup>1</sup>

The census of 1810 showed 5,725 free white male inhabitants of the age of sixteen and over but did not disclose how many, even of those old enough, had the other qualifications necessary to vote.<sup>2</sup>

An act of the territorial legislature passed in 1807 had provided for the election of representatives on the first Monday of April biannually, and had further provided that "the manner of voting shall be by the elector . . . to approach the bar in the election room, and addressing the Judges . . . in an audible voice . . . to mention by name the person or persons, to the number of representatives to which such county may be entitled; and the poll keepers, shall enter his vote accordingly; and then he shall withdraw."<sup>3</sup>

<sup>1</sup> *Post*, 102; *Annals*, 10 Congress, 2 session, 1821-22, reprinted in Charles Kettleborough, *Constitution Making in Indiana . . .*, 1:56-57 (*Indiana Historical Collections*, vol. 1, Indianapolis, 1916).

<sup>2</sup> At the election held for territorial delegate on May 22, 1809, 215 votes were cast in Dearborn County, 235 in Clark, 105 in Harrison, and 356 in Knox, making a total of 911 votes in the territory; however, at an election for territorial representatives held six weeks earlier, 639 votes were cast in Knox County alone. *Vincennes Western Sun*, April 15, and July 8, 1809.

<sup>3</sup> *Revised Laws of Indiana Territory*, 1807, pp. 232, 236, in Philbrick, Francis S. (ed.), *The Laws of Indiana Territory, 1801-1809*, pp. 390, 393 (*Illinois Historical Collections*, vol. 21, Springfield, 1930), reprinted with supplementary Indiana material by the Indiana Historical Bureau in 1931.

## RUMP SESSION OF 1809

The separation of Illinois from Indiana Territory disrupted the machinery of the territorial legislature for more than a year. The regular election for members of the House of Representatives was held in the Indiana counties on April 3, 1809, although only four representatives could be elected, two from Knox County, and one each from the counties of Clark and Dearborn. On the day following the election, Governor Harrison issued a proclamation reapportioning the representatives, giving Knox County three, Clark two, Dearborn two, and the newly created county of Harrison one, and directing that an election be held for the additional representatives on May 22. The federal law making the councilors and the delegate to Congress elective had not reached the governor when he issued this proclamation, but after receiving it he issued a second proclamation providing for an election of those officers also on May 22.<sup>1</sup> He apparently ignored the last provision of the law, which stipulated that the General Assembly should have the power to apportion the representatives, whose number should consist of not less than nine nor more than twelve. Inasmuch as there was no General Assembly in existence and could not be one until a reapportionment was made, Governor Harrison let the apportionment stand as made on April 4, although it provided for only eight representatives.

On October 16 the governor called the new Assembly into session. A portion of the members of the House of Representatives took the position that they were not a legally constituted body and hence had no power to enact legislation. The legislature apportioned an additional member to Dearborn County to make up the number nine, and then memorialized Congress to legalize this apportionment or pass a law authorizing the governor to organize the legislature "upon any plan which to them

<sup>1</sup> Esarey, Logan (ed.), *Governors Messages and Letters. Messages and Letters of William Henry Harrison*, 1:335-36, 339 (*Indiana Historical Collections*, vol. 7, Indianapolis, 1922).

may seem proper."<sup>1</sup> After meeting for six days the legislature was prorogued by the governor at its own request. In answer to its plea, Congress passed an act authorizing the governor to make a new apportionment bringing the number of representatives to the required nine.<sup>2</sup> Harrison, acting under this law, gave Knox County three representatives, Dearborn three, Clark two, and Harrison one, and called for a new election to be held on the first Monday of April, 1810, for both councilors and representatives.<sup>3</sup>

SESSION OF 1810—DEBTOR LEGISLATION—SLAVERY—  
REMOVAL OF CAPITAL—ELECTIONS

Pursuant to this election the Third General Assembly convened in the autumn of 1810. The organized territory of Indiana for which this Assembly was called on to legislate had 24,520 inhabitants. Treaties had recently been made with the Indians by which they ceded their rights to a strip some twelve miles wide and seventy miles long adjoining the western boundary of the cession previously made, extending from what is now the southern line of Franklin County northward toward the present site of Portland; this area with the strip ceded in 1795 embraced nearly the whole watershed of the Whitewater River. The Indians had also ceded a strip across the south end of the state, extending back from the Ohio River to a northern boundary line in an irregular course beyond the present sites of North Vernon, Seymour, Bloomington, Spencer, Brazil, and Terre Haute (none of which then existed). In this territory there was a fringe of settlements, extending from Salisbury (near where Richmond now is) and Brookville, in the Whitewater Valley, down along the Ohio River and up the Wabash, in which were the beginnings of the future cities of Vin-

<sup>1</sup> *Ibid.*, 1:357-58, 378-83, 384-85; *post*, 767, and 768-70.

<sup>2</sup> *Annals*, 11 Congress, 1 and 2 sessions, 2511, reprinted in Kettleborough, *Constitution Making*, 1:57.

<sup>3</sup> Esarey (ed.), *Messages and Letters*, 1:399-400.

cennes, Lawrenceburg, Charlestown, and Corydon, and in which the counties of Knox, Clark, Dearborn, and Harrison had been formed. Settlers were rapidly pouring in, which led to the creation, by the Assembly of 1810, of the three additional counties of Jefferson, Franklin, and Wayne, carved out of the older counties. The population increased so rapidly that an estimate five years later showed 63,897 inhabitants.<sup>1</sup> The north two-thirds of the state, however, was wholly unsettled by white men except for a trading post here and there, at which the Indians sold their furs, and the military post at Fort Wayne.

Although the Indian war which commenced with the Battle of Tippecanoe, in November, 1811, was only a year in the future, nothing in the legislation at the session of 1810 indicates pressing fear of trouble with the Indians. It is true that much the longest act passed was "supplemental to an act entitled 'An act establishing and regulating the Militia,'" and expressly enacted that "students" should not be exempt from performing militia duty;<sup>2</sup> but for many years before and after this time laws relating to the militia were passed at almost every session.

A private act was passed incorporating Daniel Tompkins, De Witt Clinton, Robert R. Livingston, Robert Fulton, Nicholas J. Roosevelt, "and their present and future associates, their successors and assigns," under the name of the Ohio Steamboat Navigation Company.<sup>3</sup> The act recited that Tompkins, Livingston, Clinton, and sundry other citizens of New York had associated themselves to raise a fund to navigate the Ohio River by means of steamboats, and had actually subscribed a considerable sum of money on condition that one of the states or territories bordering on the Ohio should incorporate the

<sup>1</sup> *Annals*, 14 Congress, 1 session, 460, reprinted in Kettleborough, *Constitution Making*, 1:68-69.

<sup>2</sup> *Post*, 176 ff.

<sup>3</sup> *Post*, 713-15. Articles of subscription of the company were published in Cincinnati *Liberty Hall*, January 29, 1812.



company. The act did not grant to that company or recognize in it any monopoly of steamboat navigation such as had been sought in the states and territories bordering on the Ohio and Mississippi rivers. There is in existence in the Indiana State Library a printed bill "for granting and securing to Robert R. Livingston and Robert Fulton, the sole right and advantage of making and employing for a limited time the Steam Boat or Boats by them invented," with corrections interlined by pen, and bearing the annotation: "Orig<sup>d</sup>. Nov<sup>r</sup>. 27<sup>th</sup> 1810 in the H. of Rep<sup>s</sup>. *Ja<sup>s</sup>. Noble Clk.*"

Similar bills for granting a monopoly were introduced in the Ohio and Kentucky legislatures but failed of passage. Petitions were also sent to the territories of Orleans, Mississippi, Upper Louisiana, and to the state of Tennessee seeking a monopoly of steamboat navigation on the Mississippi. Here the petitioners were more successful, the territory of Orleans granting them a monopoly on that part of the Mississippi within the jurisdiction of that territory. Such action met with little favor in the other states and territories affected and it proved to be a restraint upon the development of steamboat navigation on the western waters. This monopoly was finally overthrown in 1824 by the United States Supreme Court in the case of *Gibbons v. Ogden*.<sup>1</sup>

Most of the money in circulation in 1810 consisted of Spanish coins brought up the Mississippi River by flat-boat men who sold their cargoes and the timbers from their boats for the West India trade. And as the Spanish dollar was divided into halves, quarters, eighths, and sixteenths, coins of 12½ cents (called "bits") and of 6¼ cents (called "fips") were numerous, and prices were often quoted in multiples of these coins.

One of the first public acts of the reorganized territory created Jefferson County out of portions of Clark and Dearborn; four days later Franklin and Wayne were cre-

<sup>1</sup> Stecker, H. Dora, "Constructing a Navigation System in the West," in *Ohio Archaeological and Historical Quarterly*, 22:17-27.

ated out of Dearborn, a part of the Indian purchase of 1809, and a portion of the new Jefferson County.<sup>1</sup>

In 1806 the salary of members of the territorial legislature had been fixed at \$2.00 per day plus \$2.00 for every twenty miles traveled to and from the seat of government. In the appropriations of 1810 for the six-day session held the previous autumn, the travel expenses allowed ranged from \$13 paid to each of the two representatives from Harrison County, to \$36 paid to the two members from Dearborn (one coming from Lawrenceburg, the other from Brookville). The appropriation act further allowed \$9.00 to Samuel Hayes for acting "as Door-Keeper to both Houses at the said session," and \$15 to James Noble (afterward United States senator) for services "as Clerk to the Legislative Council at the same session."<sup>2</sup>

The salaries of the territorial treasurer and the attorney-general were each fixed at \$100 per year, and that of the territorial auditor and chancellor at \$150.<sup>3</sup>

The primitive mode of life of the settlers is reflected in an act providing that a debtor might hold as exempt from execution to enforce collection of a debt, in addition to "the necessary books of a man's profession" or "the tools of his trade," the following articles: "one milch cow and calf, a breeding sow, one bed, bed-stead and bed-clothing, one pot, one kettle, one dutch oven, one frying pan, and one axe."<sup>4</sup> No distinction seems to have been made at that time between single persons and debtors with families. According to the Constitution of 1816, all laws and parts of laws in force in the territory were to be continued in force when the state was organized until they should expire or be repealed. It would seem from the "Act for the relief of Insolvent Debtors," passed

<sup>1</sup> *Post*, 104-5, 108-11.

<sup>2</sup> *Post*, 112-13. In 1811 the salary of legislators was raised to \$3.00 per day; at the first session in 1813 it was reduced to \$2.50. *Post*, 249, and 334.

<sup>3</sup> *Post*, 174-75.

<sup>4</sup> *Post*, 133.

at the second session of the state legislature, that a debtor was required to surrender all his property of every kind to avoid being imprisoned in case his debt was not paid, though "such property as shall have been exempted from execution by the laws of this state" was excepted from what the sheriff was directed to sell of property scheduled by an insolvent debtor.<sup>1</sup>

By the third session popular opinion as to what was necessary for a debtor's family to live in comfort had undergone a change, influenced by increasing prosperity. It was then enacted that in each family one spinning wheel and reel, one Bible, one bed and the necessary bedding for it, six chairs, one dinner pot, one bake oven, one frying pan, one kitchen table with the necessary articles of table and cupboard furniture of not more than \$10 in value, one cow and calf, one sow and pigs, six sheep with the wool growing thereon or the yarn or cloth made thereof, flax from half an acre of ground in one year or the yarn or cloth into which it was made, three months' supply for the family of breadstuff, meat, and salt, the wearing apparel of the family, one chopping axe, and one weeding hoe, or so much of the foregoing articles as should not exceed \$100 in value, to be selected by the debtor, were made exempt from execution, and were not required to be "given an account of, by an insolvent debtor previously to his enlargement from prison."<sup>2</sup> Debtors without families were granted no exemption at all by this statute.

After another four years, while the total value of the articles which might be claimed as exempt from execution by a debtor with a family was still limited to \$100, he was permitted to select as part of such exempted property, his tools, if a mechanic, or his books, if a professional man, of a value not exceeding \$50. And if the debtor should not own \$100 worth of the articles named as exempt, he was authorized "to select any other arti-

<sup>1</sup> *Laws of Indiana, 1817-18 (general)*, p. 325.

<sup>2</sup> *Ibid.*, 1818-19, pp. 87-88.

cles he may own, not to exceed the value of the articles . . . of which . . . [he] may be destitute."<sup>1</sup>

The following year a debtor's right of exemption was reduced to specified articles, of which the whole amount should not exceed \$50 in value, as follows: "One bible, one cow and calf, one bed and the necessary bedding therefor, household and kitchen furniture not exceeding in value ten dollars, one chopping axe, one weeding hoe, one spinning wheel, one reel, and the necessary provisions to supply the family two months."<sup>2</sup> Any tables and chairs exempted must be a part of the furniture allowed, not exceeding \$10 in value.

Apparently not only the tools and books, wearing apparel of the debtor and members of his family, sows, pigs, sheep, wool, flax, cloth, provisions for the third month, but everything else that the debtor, his wife, and children might have, was now made subject to sale on execution, however little the value, unless he had the specified items worth not more than \$50, to which his right of exemption was limited. That this act making drastic reductions in the character, number, and value of the articles which might be claimed as exempt remained in force seven years was probably due, in part, to acute economic conditions then prevailing. But leaving a debtor's family clothed in leaves, or maybe barrels, was found unsatisfactory, and in 1831 an act was passed providing that "necessary wearing apparel shall not be considered as any part of the estate of any defendant or defendants in execution" whether with or without a family. The other exemptions of articles that were subject to sale unless the debtor had a family were continued as before.<sup>3</sup>

Three years later "six sheep and the wool thereof, and one additional bed and bedding" (regardless of value) were added to what a debtor with a family might claim as exempt. And it was again provided that if such an

<sup>1</sup> *Laws of Indiana*, 1822-23, pp. 83-84.

<sup>2</sup> *Revised Laws of Indiana*, 1823-24, p. 189.

<sup>3</sup> *Ibid.*, 1830-31, pp. 234-35, §§ 1 and 4.



“execution debtor may be destitute of any or all the specific articles exempted . . . it shall be lawful for such debtor to claim, as exempt from execution, any other article or articles, of which he or she may be possessed, to be selected by such debtor . . . so that the value thereof in the whole shall not exceed fifty dollars.”<sup>1</sup>

After another five years the total value of all the articles which a debtor might claim as exempt, including articles in addition to those specified, “if it shall so happen that the execution debtor shall be destitute of any or all the specific articles exempt,” was increased to not more than \$100, provided he had a family.<sup>2</sup>

Two years later it was enacted that no real estate and no household goods and furniture, kitchen utensils, implements of husbandry, or mechanics’ tools should be sold on execution for less than one-half of the cash value, to be fixed by three disinterested freeholders.<sup>3</sup> The next year sales on execution of property of any description, real or personal, for less than two-thirds of its fair net value, after deducting all encumbrances, was forbidden.<sup>4</sup>

As the aftermath of the “panic of 1837” began to be felt more acutely, it was finally enacted, in 1843, that no such property “shall be sold on execution . . . for a less sum than its fair value . . . after deducting all incumbrances,” as such value should be fixed by “disinterested” householders of the neighborhood.<sup>5</sup>

Of course, the purpose of this legislation, and for a time its effect, was to stop all execution sales from being made much as has been done by less peaceful means within the past year or two (1930-1933). To the property specifically exempted from execution the statutes, as revised in 1843, added the schoolbooks used by or in the family, one plough and one loom, and the “arms

<sup>1</sup> *Laws of Indiana*, 1833-34, p. 81.

<sup>2</sup> *Ibid.*, 1838-39 (general), pp. 35-36.

<sup>3</sup> *Ibid.*, 1840-41 (general), pp. 131-32.

<sup>4</sup> *Ibid.*, 1841-42 (general), p. 64.

<sup>5</sup> *Ibid.*, 1842-43 (general), pp. 15-16.

and accoutrements" required by law to be kept by the debtor for use as a member of a military company; the maximum value of the household and kitchen furniture exempted was raised to \$15, and the whole amount of property to the value of \$100, this to be in addition to wearing apparel, Bible, schoolbooks, arms and accoutrements, and the two months' provisions. Also, the privilege of such exemption was extended to any owner of property seized on execution, "being a householder" as well as to one "having a family."<sup>1</sup> It was now made clear, for the first time, that not just any Bible but only the family Bible was exempt.

Two years later the principle of exempting specific articles was definitely abandoned, and any "householder" of the state was authorized to hold as exempt from execution personal property of any kind to the value of \$125. But it was provided that this and all other such laws should "not extend to any persons, only heads of families," all laws or parts of laws "coming within the purview of this act" being repealed.<sup>2</sup>

Five years later it was enacted that the value of any property claimed as exempt from execution should be determined by two householders selected as appraisers, one by the execution defendant and one by the execution plaintiff, who should choose a third householder as arbiter if they failed to agree as to values.<sup>3</sup>

The Constitution of 1851 provided not only that all laws not inconsistent therewith should remain in force until they should expire or be repealed, but also that the "privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale, for the payment of any debt or liability hereafter contracted."<sup>4</sup> At the first session of the legislature under

<sup>1</sup> *Revised Statutes of Indiana*, 1842-43, p. 743.

<sup>2</sup> *Laws of Indiana*, 1844-45 (general), p. 39.

<sup>3</sup> *Ibid.*, 1849-50 (general), p. 78.

<sup>4</sup> Art. 1, § 22.

the new constitution a law was enacted giving to any resident householder the right, upon filing a schedule of all real and personal property owned by him, of selecting items up to the value of \$300, as determined by appraisers, to be held as exempt.<sup>1</sup> The value of exempted articles was changed to \$600 in 1879 and to \$1,000 in 1933, and a special exemption of the separate property of any married woman from sale on execution against her was granted in 1879 to the extent of her wearing apparel and articles of personal adornment purchased by her, not exceeding \$200 in value, and all such jewelry, ornaments, books, works of art and vertu, and other effects for personal or household use as may have been given to her as presents, gifts, and keepsakes.<sup>2</sup> This was changed two years later to provide that a married woman who is a resident of this state, whether a householder or not, shall be entitled to the same exemption of articles of like value as householders, to be claimed and selected in the same manner.<sup>3</sup>

The difficulties of communication and travel a hundred and twenty-four years ago, and the insecurity of papers and documents lodged with a court—of which the judge traveled on horseback through unbroken forests to hold sessions at intervals of many months and the clerk devoted his time between sessions to earning a living by farming, trapping, and trading—are reflected in “An Act to perpetuate testimony,” which provided that if a deposition be taken, “for the greater security of said petition and deposition, it shall be the duty of the Clerk to record the same in a book kept for that purpose.”<sup>4</sup>

Although it was not yet ten years since Clark County had been organized (on February 1, 1801) and Jeffersonville had been designated as the “seat of justice” (on June 9, 1802) by proclamation of Governor Harrison, the legis-

<sup>1</sup> *Revised Statutes of Indiana*, 1851-52, vol. 2:336-38.

<sup>2</sup> *Laws of Indiana*, 1879, p. 127, § 1, p. 161, § 9; 1933, p. 1014.

<sup>3</sup> *Revised Statutes of Indiana*, 1881, p. 1107, § 5124.

<sup>4</sup> *Post*, 127-28.

lature of 1810 passed an act providing that from and after February 10, 1811, the seat of justice of the county of Clark should be fixed and established in the town of Charlestown. There were certain conditions to be fulfilled: a jail "as good in all respects" was to be completed by that time or as soon after as possible at the expense of the petitioners (the act did not mention any specific jail for comparison); from the sale of donated lots and by subscription, money was to be raised and public buildings erected, including a courthouse "as convenient and of equal value with the court house in Jeffersonville."<sup>1</sup>

The next term of the court of common pleas of Clark County began on February 11, 1811, at Jeffersonville. On February 12 the commissioners appointed to examine the jail in Charlestown made their report.<sup>2</sup> The court then ordered that since satisfactory evidence had been produced that the new jail was in all respects equal to the one at Jeffersonville and since the other requisitions of the act for removing the seat of justice had been complied with, the court should meet in Charlestown the following day at twelve o'clock. Willis W. Goodwin, sheriff, and others filed a bill of exceptions to this order and

<sup>1</sup> *Post*, 139-42.

<sup>2</sup> Their description of the jail was as follows: "stone work 6 inches above the surface floor Timbers 13¾ Inches of Oak Ground work 24 by 13 one Inch thickness of the wall 14 Inches of Oak Height of Story Seven feet Eight Inches partition wall Seven and a half Inches thick with a common lap shingle roof Criminals window 2 feet by 6 Inches with 5 Iron Grates One Inch thick and bound with a Box of Iron in side and Spicked down the other bar 2 Inches wide and half Inch thick Trap door 2 feet 6 Inches Square, the shutter of trap door 2 Inches thick and Double spiked through and clinched with Iron spikes and two bars of Iron running through the middle of the same and sufficient bolts at each end the outside door 4 feet 8 Inches by two feet six Inches made of 2 Inch Oak plank double and well spiked with Iron spikes and clinched distance five Inches, Debtors window 5 grates of Iron one Inch square with 3 bars across and let in logs the thickness of the bars, the length of the window two feet by ten inches." Proceedings of the Court of Common Pleas of the County of Clark, February 12, 1811.



appealed to the general court on the ground that the jail in Charlestown was not as good as the one in Jeffersonville because it did not have an adjoining house for the use of the jailer. Nevertheless, the court met in Charlestown the following day, February 13, and continued to meet there. Prison bounds were ordered laid off and commissioners were appointed to contract for the erection of a courthouse equal to the one in Jeffersonville. The following year commissioners were appointed to contract for the erection of a pillory and estray pen upon the public square.<sup>1</sup>

Goodwin's case came before the general court at the April term, 1811. Judge Parke's opinion pointed out that there was nothing in the law that stipulated that the jail in Charlestown should be equal to the one in Jeffersonville. However, there was another aspect to the case. According to the law there was a special contract between the legislature and the petitioners, and when the petitioners complied with certain conditions the seat of justice was to be removed. No provision was made for determining whether the conditions had been properly performed. The special power of the courts of common pleas to enter into contracts to build and repair jails, courthouses, and other public buildings, granted by the county levy act of 1807, could not be supposed to extend to a decision on the performance or nonperformance of the conditions upon which the removal of the seat of justice was to take place. Therefore the court held that the court of common pleas had erred in adjourning from Jeffersonville to Charlestown and that the seat of justice was still at Jeffersonville.<sup>2</sup>

At the next legislature a law was passed reaffirming the removal to Charlestown and legalizing the proceedings of the court held at that place.<sup>3</sup>

<sup>1</sup> *Ibid.*, February 12 and 13, 1811, and June 16, 1812.

<sup>2</sup> Order Book of the General Court of Indiana Territory, 1811-1816, pp. 16-19, in office of the Clerk of the Supreme Court of Indiana.

<sup>3</sup> *Post*, 217.

One object in the removal was to get away from the proslavery influence of Louisville, directly across the river from Jeffersonville. The plea for its location at Charlestown was that it would be more nearly in the center of the county, and in a country without any roads except bridle paths through the woods, an additional dozen miles of enforced travel from the north end of the county was complained of as a great hardship. In 1878, after turnpikes had been constructed leading down to the river and the slavery question had been settled, the county seat was moved back to Jeffersonville.

Two acts were passed repealing and supplementing previous legislation concerning the introduction of negroes and mulattoes and the apprentice system. The Ordinance of 1787 had decreed that neither slavery nor involuntary servitude should exist in the Northwest Territory otherwise than in the punishment of crime. In the period intervening before 1810 several unsuccessful attempts had been made to have Congress repeal this clause.<sup>1</sup> In the absence of federal action on the matter, the territorial government enacted legislation that permitted a modified form of slavery.

In 1803 the governor and judges adopted a law from the Virginia code regulating the relation to their masters of negroes, mulattoes, and other noncitizens of the United States who came into the territory under contract for service, and providing that they should be compelled to perform such contracts.<sup>2</sup>

At the first meeting of the territorial legislature in 1805 an act was passed concerning white apprentices which provided that apprentices bound of their own will or by their guardians should fulfill their contracts,<sup>3</sup> and a

<sup>1</sup> Dunn, Jacob P., *Slavery Petitions and Papers . . .* (Indiana Historical Society Publications, 2: no. 12, Indianapolis, 1894); Philbrick (ed.), *Laws of Indiana Territory, 1801-1809*, pp. xx-xxi, xxxv-xliii.

<sup>2</sup> *Laws of Indiana Territory*, 1803, p. 26 (Philbrick ed., 42).

<sup>3</sup> *Ibid.*, 1805, pp. 5-6 (Philbrick ed., 95-96).

second act provided that negroes and mulattoes under fifteen years of age and "owing service" in other states or territories might be brought into Indiana Territory and held to labor until the age of thirty-five, if male, or thirty-two, if female. If they were of and above the age of fifteen the person bringing them into the territory was required to go before some clerk of a court of common pleas and there agree with the negro or mulatto upon the term of service. If the negro or mulatto refused to come to any agreement, the owner might remove him from the territory any time within sixty days. The children of a parent so bound were likewise bound to serve the same master until thirty years of age, if male, or twenty-eight, if female.<sup>1</sup>

The legislature which met in 1806 added a fourth law providing punishment by whipping for slaves or servants committing such offenses as wandering from home, participating in riots and unlawful assemblies, or making seditious speeches.<sup>2</sup> In the revision of the laws in 1807, the first and the fourth of these acts were incorporated as one, and the second and third were also reënacted with but slight variations.<sup>3</sup> Another law, passed in 1806 and reënacted in 1807, permitted the time of service of negroes and mulattoes, bound to service in the territory, to be sold under execution.<sup>4</sup>

At the next session, in 1808, the provisions for punishment as enacted in 1806 were made more stringent.<sup>5</sup> An attempt was made at this time to repeal the law passed in 1805 permitting the introduction of slaves into the territory. The House, while under the influence of an eloquent appeal made by General Washington Johnston,

<sup>1</sup> *Ibid.*, 25-27 (Philbrick ed., 136-39).

<sup>2</sup> *Ibid.*, 1806, pp. 21-22 (Philbrick ed., 203-4).

<sup>3</sup> *Revised Laws of Indiana Territory*, 1807, pp. 340-47, 392-94, 423-28 (Philbrick ed., 463-67, 500-2, 523-26).

<sup>4</sup> *Ibid.*, 449 (Philbrick ed., 541).

<sup>5</sup> *Acts of Indiana Territory*, 1808, pp. 21-23 (Philbrick ed., 657-58).

one of its members, voted for repeal but in the Legislative Council the bill was rejected.<sup>1</sup>

By 1810 the personnel of the legislature had changed. The Illinois group was gone and the eastern portion of the territory, populated largely by settlers from the eastern states and by those who had crossed over from Kentucky because of their dislike of slavery, had an increased representation. With the antislavery group in the majority two acts were passed reversing the trend of legislation in this field. One repealed the "Act concerning the introduction of Negroes and Mulattoes into this Territory," together with the first section of the 1803 law providing that all negroes and mulattoes coming into the territory under contract must fulfill those contracts, while still another section aimed at the practice of kidnapping free negroes for the southern market.<sup>2</sup> The second law was supplemental to the act respecting white apprentices, passed in 1805, and made it necessary for cases involving apprentices who wished to be discharged because of ill usage or cruel treatment to be tried before a court of common pleas. Any and every contract entered into by an apprentice during the time of his apprenticeship was declared null and void. On the other hand, provision was made for holding apprentices to their contracts until their expiration.<sup>3</sup>

A federal law of December, 1809, had allowed Governor Harrison to apportion the representatives in order that a legislature might be organized, whereupon the power of apportionment was to be vested in that body. In the apportionment made at this session, Knox County retained her three representatives and Clark, Dearborn, Franklin, Harrison, Jefferson, and Wayne were each given one.<sup>4</sup>

An act forbidding any nonresident of the territory, under penalty of a fine of \$500, to practice in its courts any further than to "finish their unfinished business

<sup>1</sup> Territorial House Journal, October 19 and 24, 1808.

<sup>2</sup> *Post*, 138-39.

<sup>3</sup> *Post*, 165-67.

<sup>4</sup> *Post*, 171-72.



already commenced," indicates a degree of selfishness on the part of local attorneys.<sup>1</sup>

Three churches were incorporated at this session.<sup>2</sup> One act incorporated a church of the Presbyterian faith at or near Vincennes, which took the modest title of "The Indiana Church"; a second act was "to incorporate the New Hope Baptist church on Deer creek, in the county of Dearborn"; and a third was "for incorporating the Roman Catholic Church in Vincennes." It would seem that this last attempt to incorporate was not effectual, however, as acts to revive this original act of incorporation were passed in 1813 and 1819.<sup>3</sup>

Trading with the Indians in the lands opened for settlement, to which "the Indian title had been extinguished," was forbidden without a license from the governor, except that any person without such license might barter to the Indians "the produce of his or her farm, ardent spirits excepted," for meat, maple sugar, skins, furs, or any article manufactured by the Indians. Furnishing "ardent spirits or spiritous liquors" to Indians within such districts was prohibited under severe penalties. And assisting the Indians against the whites in any matters of "negociations or treaties, disputes or controversies" was made punishable by a fine of not less than \$1,000 nor more than \$3,000 (when the attorney-general's salary was \$150 per year).<sup>4</sup>

Every gristmill that should "grind for toll" was declared to be "a public mill," so as to bring the owner within the limitation of tolls to be charged for grinding, of one-tenth the wheat or rye, one-seventh the corn, oats, barley, or buckwheat ground and bolted, or one-eighth if not bolted, and one-twelfth the malt ground, as fixed by an earlier act.<sup>5</sup>

<sup>1</sup> *Post*, 116-17.

<sup>2</sup> *Post*, 192-94, 706-11, 716-21.

<sup>3</sup> *Post*, 324-25; *Laws of Indiana*, 1818-19, pp. 121-23.

<sup>4</sup> *Post*, 148-51.

<sup>5</sup> *Post*, 153; *Revised Laws of Indiana Territory*, 1807, p. 192 (Philbrick ed., 361).

If the organization of Illinois Territory helped to eliminate the slavery question as a factor in territorial politics it brought into prominence another problem, that of relocating the capital of Indiana Territory. The group from the eastern part of the territory that had worked for the repeal of the indenture laws was also working for the removal of the capital to a more central location. The geographical factor, however, was not the only reason. A group opposed to Governor Harrison wanted the capital removed so as to free the legislature from the influence of the governor and the many friends that he had gathered around him at Vincennes.<sup>1</sup> Thus we find the antislavery, anti-administration, and capital-moving groups, composed in part of the same men, uniting to carry out their program.

At the 1810 session laws were enacted appointing commissioners to fix upon and recommend a location within the New Purchase of a site for the capital, and providing that within twelve months after the sale of lots in the town, measures should be taken by the governor to remove the offices of government to the new location, which was to be within the following bounds: the "Embarras [Muscatatuck] fork of White river, the main fork of White river, the boundary line of the new purchase . . . and a line which shall be parrallel to the latter, and at not more than twenty miles from it."<sup>2</sup>

Inasmuch as this land still belonged to the federal government, a petition was sent to Congress asking for a donation (the law provided that the land should be secured by purchase or donation) of as much land as that body might deem reasonable. In case Congress should not grant the request the law was to become null and void. The congressional committee to whom this petition was referred reported that it was questionable whether such a donation for the benefit of a particular

<sup>1</sup> For evidence of this influence, see letter of John Paul to Solomon Manwaring, September 15, 1811, in Esarey (ed.), *Messages and Letters*, 1:567-68.

<sup>2</sup> *Post*, 153-57, 186-87.

territory could be considered as authorized by the act of cession made by Virginia to the general government, but recommended that a law be passed providing for the sale of four quarter sections.<sup>1</sup> In accordance with the committee's recommendation such a law was introduced and passed.<sup>2</sup>

The commissioners appointed in the 1810 law had not yet acted when the legislature convened in 1811 and the struggle for removal was again resumed. A bill to repeal the 1810 act failed to pass and then a bill was introduced to remove the capital temporarily to Madison. This was vetoed by Governor Harrison, who gave as his reasons that it had passed the House by a mere majority at a time when two members were absent who would have been likely to oppose it, that it repealed the 1810 act providing for a permanent seat of government without the least reason for doing so, and that a provision it contained concerning suits in the general court would work a hardship upon those who had suits pending. As proof of his sincerity he promised to give his consent to any act or resolution directing the next legislature to be held elsewhere than at Vincennes. As there would be an election of representatives before that time the question of removal could be put before the public and they could instruct their representatives as they thought proper. Harrison stated that he believed some public advantage might be derived from the legislature meeting elsewhere than at Vincennes.<sup>3</sup>

Acting on the governor's suggestion, the representative from Jefferson County, William McFarland, introduced a resolution providing that the governor in proroguing the present legislature should assign Madison as the place of the next meeting. This passed the House four to

<sup>1</sup> *Report of the Committee on the Public Lands on the Memorial of the Legislative Council and House of Representatives of the Indiana Territory*, January 23, 1811 (Washington, 1811).

<sup>2</sup> *Annals*, 11 Congress, 3 session, 1336.

<sup>3</sup> *Territorial House Journal*, November 15 and 21, December 9, 13, and 16, 1811.

three (two members still being absent), the three opposing votes coming from the Knox County delegation. The Council disagreed. A new resolution was then introduced requiring the governor to call the commissioners appointed by the 1810 act for the purpose of carrying that law into effect. The Council refused to consider this and the matter rested there until the Assembly met again on February 1, 1813.<sup>1</sup> By this time Harrison, devoting all his energies to the war, had resigned his civil office, and General Gibson was acting governor.

Early in the 1813 session the problem of the removal of the capital was brought to the attention of the legislators by a resolution citing the danger to which the public records were exposed at Vincennes due to the hostile disposition of the Indians. In the debates that took place Madison, Lawrenceburg, Jeffersonville, Vevay, Charlestown, Clarksville, and Corydon were all considered as possible locations.<sup>2</sup> It was finally enacted that from and after May 1, 1813, Corydon should be the territorial capital. The refusal of any public officer to remove the public records, books, and papers in his charge was made punishable by a fine of not more than \$1,200 nor less than \$100.<sup>3</sup> A supplementary resolution granted the governor and secretary the privilege of residing anywhere they chose within the boundaries of the territory.<sup>4</sup>

Part of the land in Indiana Territory ceded by the Indians at the Treaty of Greenville in 1795 and at the Treaty of Fort Wayne in 1809 had been attached to the Cincinnati district. According to a federal act passed in 1803, Ohio was to receive three per cent of the proceeds from the sale of public lands within the boundaries of that state. The members of the Indiana Territorial Assembly believed that this also applied to the proceeds from the sale of those lands located in Indiana Territory and attached to the Cincinnati district; they memorialized

<sup>1</sup> Territorial House Journal, December 17, 1811.

<sup>2</sup> *Ibid.*, February 8, 12, 13, 15, 18, 26, March 3, 4, 8, 1813.

<sup>3</sup> *Post*, 335-38.

<sup>4</sup> *Post*, 339.



Congress in 1810 to alleviate this evil by establishing a new land office at Brookville and attaching to it all the land in Indiana Territory attached to the Cincinnati district.<sup>1</sup> The congressional committee to whom the petition was referred reported that the memorial was based on a misconception of the law and the contract between the United States and the state of Ohio, and that the prayer of the petitioners ought not to be granted.<sup>2</sup> Provision was not made for establishing the land office at Brookville until 1819.

Two resolutions were sent to Jonathan Jennings, the territorial delegate in Congress. One instructed him to secure an extension of the suffrage and the other to secure a law giving the people the power to elect their sheriffs.<sup>3</sup> The latter was probably the work of Harrison's opponents, who alleged that he was using his vast powers of appointment to build up an organization favorable to his interests. The sheriff's duties in connection with elections, collection of taxes, and the administration of justice made this office very important and one over which the people felt they should have control. Jennings succeeded in getting a bill introduced making the office of sheriff elective; it passed the House but failed in the Senate.<sup>4</sup> The request was repeated at the next session of the territorial legislature and again a bill passed the House only to be rejected in the Senate.<sup>5</sup>

Although Harrison had the power of appointing the territorial and county officers, it was his policy to receive recommendations from the people of the county or district to which the appointment was to be made. In some cases these recommendations were made by petition to the governor; often, when a judge or sheriff was to be

<sup>1</sup> *Post*, 774-76.

<sup>2</sup> Report of House Committee on Public Lands, presented January 23, 1811. House Files, Library of Congress.

<sup>3</sup> *Post*, 772, and 780-83.

<sup>4</sup> *Annals*, 11 Congress, 3 session, 350-51, 481, 897, 958.

<sup>5</sup> *Post*, 788; *Annals*, 12 Congress, 1 session, 91, 226, 227; 244, 372, 420, 1379.

appointed, an election was held and the polls forwarded to Harrison; in other instances, blank commissions were sent to be filled in by the county judges. A comparison of the recommendations with the appointments shows that Harrison almost always carried out the desires of his petitioners. How representative the recommendations were cannot be fully determined with the information now at hand.<sup>1</sup>

On March 3, 1811, Congress passed an act extending the right of suffrage by removing the property qualification. In addition to the age, sex, race, and residence qualifications, an elector was required to furnish evidence of having paid a county or territorial tax. The same law contained the provision that persons holding offices of profit from the governor (justices of the peace and militia officers excepted) were ineligible to and disqualified to serve in the territorial legislature.<sup>2</sup> In practice, officers holding appointments from the governor usually resigned these offices after, rather than before, election to the legislature.

<sup>1</sup> Preceding the appointment of John McCandless as sheriff of Knox County in April, 1810, at least six petitions, bearing a total of 293 signatures, were sent to the governor (the census of 1810 listed the number of free white males of sixteen and over as 1,896). At an election held in 1811 for a judge of the court of common pleas in Jefferson County, 27 votes were cast in Jefferson Township; at an election for sheriff in Clark County in 1812, 452 votes were cast. The court of common pleas of Harrison County ordered an election for sheriff to be held on January 15, 1812. Voting places were designated in each township and election officials appointed. The polls showed 80 votes for John Hurst, Jr., 79 for John Tipton, 77 for Joseph Paddacks, and 23 for Thomas Evans, a total of 259 votes (the census of 1810 listed 950 free white males of sixteen and over). Hurst received the appointment. Manuscript letters and papers in office of Secretary of State, Indiana; Record Book of Court of Common Pleas, Harrison County, 1809-12; *Executive Journal of Indiana Territory, 1800-1816*, edited by William Wesley Woollen, Daniel Wait Howe, and Jacob Piatt Dunn, 179 (*Indiana Historical Society Publications*, 3:no.3, Indianapolis, 1900). See also *post*, 844n-45n.

<sup>2</sup> *Annals*, 11 Congress, 3 session, 1347-48, reprinted in Kettleborough, *Constitution Making*, 1:58-59.

Any man from eighteen to fifty years of age, being liable to perform on the roads "any number of days work, not exceeding twelve" in each year whenever the supervisor should "deem it necessary" under penalty of forfeiting seventy-five cents for each day of "idleness or inattention,"<sup>1</sup> was, in 1810, made liable to be summarily fined in that amount by any justice of the peace, on complaint in writing by the "overseer" and twenty days notice, unless he set before such magistrate "a sufficient excuse for . . . non-attendance"; the fine was collectible immediately by execution, with costs, and was to be paid to the "overseer."<sup>2</sup>

The first attempt to interfere with the use of intoxicating liquors in the territory (except for prohibiting their sale to the Indians) was contained in the militia law of 1810, as follows: "no officer of the militia shall be allowed to treat his men with any ardent spirits or strong water on the days of muster, nor shall any person be allowed to vend liquors of that kind on any day of training, muster or review, within two miles of the parade ground," under penalty of the loss of his liquor, and a fine of \$15, one-half to be paid to the informer. Licensed innkeepers, however, were not prohibited from selling at "stands" within two miles of the grounds.<sup>3</sup>

#### SESSION OF 1811—IMPRISONMENT FOR DEBT

The second session of the Third General Assembly convened on November 11, 1811; its opening had been twice postponed due to the seriousness of the Indian situation.<sup>4</sup> Only four days earlier the Indians, under the leadership

<sup>1</sup> *Acts of Indiana Territory*, 1808, pp. 5-6 (Philbrick ed., 646-47); *Revised Laws of Indiana Territory*, 1807, p. 296, § 10 (Philbrick ed., 433); *Laws of the Northwest Territory*, 1799, p. 169, reprinted in Pease, Theodore C. (ed.), *The Laws of the Northwest Territory, 1788-1800*, p. 458 (*Illinois Historical Collections*, vol. 17, Springfield, 1925).

<sup>2</sup> *Post*, 170.

<sup>3</sup> *Post*, 182-83.

<sup>4</sup> Esarey (ed.), *Messages and Letters*, 1:557-58, 603.

of the Shawnee Prophet, had been defeated at the Battle of Tippecanoe, and Governor Harrison and the army were now on their way back to Vincennes. General Washington Johnston was dispatched to welcome Harrison home in the name of the members of the legislature and their constituents, and a few days later a formal message of thanks was sent him for his services at the head of the army.<sup>1</sup> Those who did not return were not forgotten. The members resolved to "wear crape on their left arm . . . as a tribute of respect for the memory of the departed heroes" and Congress was memorialized to give relief to the widows and orphans.<sup>2</sup> As the session progressed, the original amity of spirit concerning the outcome of the battle gave way to an undignified bickering as to the proper division of credit.

The first Ohio River steamboat, the "New Orleans," had been built at Pittsburgh and in October had started down the river to New Orleans, but was held at Louisville waiting for high water to enable it to pass over the Falls. Although it eventually reached New Orleans and made regular trips from there to Natchez, it was fated never to return up the Ohio. It was to be almost four years before a steamboat could succeed in coming up the river against the strong current of the Ohio; this was not accomplished until the "Enterprise," leaving New Orleans in May, 1815, reached Louisville twenty-five days later,<sup>3</sup> and the time when a series of "slackwater" dams was to convert the Ohio River into a chain of "pools" or lakes with little current except at high water, was more than a century in the future.

Divorce legislation in the Northwest and Indiana territories had not been extensive. Under the revised law of

<sup>1</sup> Territorial House Journal, November 18, 1811; *post*, 784.

<sup>2</sup> Territorial House Journal, November 13, 1811; *post*, 785-86. Esarey (ed.), *Messages and Letters*, 1:637-43, lists the casualties.

<sup>3</sup> Hulbert, Archer B., *The Ohio River. A Course of Empire*, 331-34 (G. P. Putnam's Sons, New York and London, 1906); Ambler, Charles H., *A History of Transportation in the Ohio Valley . . .*, 116-26 (Glendale, Calif., 1932).



1807, absolute divorce might be granted by the general and circuit courts in cases of bigamy, impotency, or adultery, and legal separation in cases of extreme cruelty.<sup>1</sup> The General Assembly in 1811 acted upon two cases of desertion. The first act passed granted a divorce to Jane Richardson on the ground that her husband, Jacob, had joined "a banditti of horse thieves" for which he was sent to prison two years, and had then "abandoned his country," leaving her and two children without means of support. The facts were established by affidavits.<sup>2</sup> The second act granted a divorce to Elizabeth Richardson from her husband, Isaac, who was connected with the same "banditti of horse thieves who were so well known." He, too, fled the country, first to "Natchez in the Mississippi Territory," and then to parts unknown, abandoning Elizabeth with two babies.<sup>3</sup>

Provision was made at this time for recording town plats, under penalty of forfeiting \$500 per month for delay in putting on record the plat of any town site in which lots were sold. Clarksville (opposite Louisville), Vincennes, Jeffersonville, Lawrenceburg, Brookville, Corydon, Charlestown, and Salisbury (near Richmond) had all been "laid out," and doubtless many other "towns" with streets, alleys, "inlots," and "outlots" were projected.<sup>4</sup>

The "seat of justice" of Franklin County was "permanently fixed and established on the public square" in Brookville,<sup>5</sup> and that of Wayne County on the public square in Salisbury, "on fractional section No. 1, town

<sup>1</sup> *Laws of the Northwest Territory*, 1795, pp. 182-84 (Pease ed., 258-60); *Laws of Indiana Territory*, 1801, p. 25; 1803, pp. 58-59; 1805, p. 11; *Revised Laws of Indiana Territory*, 1807, pp. 140-42; Philbrick (ed.), *Laws of Indiana Territory, 1801-1809*, cxxix, cxliv, 15, 65-66, 107, 323-25.

<sup>2</sup> *Post*, 211-12.

<sup>3</sup> *Post*, 212-13. The activities of this group of outlaws are related in a confession made by John Ingram and printed in the *Vincennes Western Sun*, December 2, 1809.

<sup>4</sup> *Post*, 216-17.

<sup>5</sup> *Post*, 218-19.

13, range 2, west" (about halfway between Richmond and Centerville), leaving no question as to where either courthouse should be located.<sup>1</sup>

Imprisonment for debt was one of the problems acted upon by the Assembly of 1811. An act originating in 1799 and slightly altered in the revision of 1807 authorizing the local court to fix "prison bounds" extending not more than 200 yards from the jail in any direction (embracing between 25 and 26 acres), within which persons imprisoned for debt were privileged to find work upon giving bond to "continue a true prisoner" and to stay "within the limits of said prison bounds, until discharged by law,"<sup>2</sup> was amended to authorize the "prison bounds" to extend not more than "one hundred and twenty perches [rods] in any direction from the said jail," thus embracing between 282 and 283 acres.<sup>3</sup>

In drafting the first constitution of the state of Indiana a provision was inserted that "the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate, for the benefit of his creditor, or creditors, in such manner as shall be prescribed by law."<sup>4</sup> This language seemed

<sup>1</sup> *Post*, 220.

<sup>2</sup> *Laws of the Northwest Territory, 1799*, p. 214 (Pease ed., 494-95).

<sup>3</sup> *Post*, 222. The jails themselves were usually insufficient and not suited to long tenancy. John Hurst, sheriff of Harrison County, wrote to Governor Posey on February 9, 1814, that the situation of the Harrison County jail was such as to endanger the health of his prisoner in case he was held there until the meeting of the general court; "if I furnish him with fire it must be done in a kettle and I then must have a guard (which will be expensive to County) for fear he might burn out" (the prisoner being charged with arson). The sheriff of Franklin County reported to the court of common pleas on May 15, 1813, that after minutely examining the county jail he found it deficient in several respects: "1st, it is insufficient in point of strength; 2d, there are no separate rooms for sexes. I enter my solemn protest against its insufficiency in the aforesaid respects." Hurst to Posey, in office of Secretary of State, Indiana; Minute Book for the Court of Common Pleas, Franklin County, 1811-13, p. 152.

<sup>4</sup> Art. 1, § 17.

to imply that a debtor might be arrested and imprisoned in the first instance, to be released when he should convince a court that he was not guilty of fraud and that he had surrendered all his property for the benefit of his creditors, and this seems to have been the practice for many years.

Imprisonment in the county jail, in custody of the sheriff, of any person whose "body" was taken in "execution" for failure to pay a judgment, was provided in the first body of laws enacted after Indiana became a state.<sup>1</sup>

The next year an act for the relief of insolvent debtors was passed which provided that after a debtor taken in execution should have remained in prison twenty days his release might be ordered by two justices of the peace, upon delivery to them of a schedule of all his property of every kind, and upon oath that he had neither concealed nor transferred anything to deceive or defraud his creditors.<sup>2</sup>

It was also provided that if the person imprisoned for debt should "not be able to pay his or her ordinary prison fees," the sheriff or jailer might "demand and recover of the party or parties at whose suit such insolvent prisoner" was imprisoned, which amount should be added to the execution debt.<sup>3</sup>

The prison bounds were reduced in size that year to 600 yards, the 120 perches previously allowed having been 660 yards. "In order to prevent any oppression under pretence of the security being insufficient, two disinterested justices of the peace" should "be called to approve of the security" on any bond offered to obtain for a prisoner the privilege of staying out of jail but within the prison bounds.<sup>4</sup>

Two years later any insolvent debtor was authorized to make an assignment of all his property in trust for his creditors, whereupon he should "forever after be privileged from imprisonment, for any debt due and owing by

<sup>1</sup> *Laws of Indiana*, 1816-17, p. 47.

<sup>2</sup> *Ibid.*, 1817-18 (general), p. 324.

<sup>3</sup> *Ibid.*, 222, 327-28.

<sup>4</sup> *Ibid.*, 218-19.

him at the time of filing his petition" for the administration of his insolvent estate by trustees. And "should any insolvent petitioner be imprisoned [for debt] . . . at the time of filing his petition," he should be discharged from prison "on his giving satisfactory bonds . . . conditioned for the faithful assignment of all his property for the benefit of his creditors," after which he could not "again be imprisoned for the same debt, or any debt contracted previous to such discharge."<sup>1</sup>

When the state was barely six years old an act was passed "to abolish imprisonment for debt unles[s] for fraud." It provided, substantially as the law now does, that no "process to take the body" should issue upon any judgment in a civil case, unless upon affidavit that the defendant had "monies or effects in his . . . possession, or under his . . . controul" above the amount exempt from execution, which he was secreting and refusing to deliver up for payment of his debts. These charges of fraud must be established by proof "to the satisfaction of said court" at a summary hearing, or the debtor would be discharged. If established, he should be remanded to the common jail of the county, there to remain until discharged by due course of law.<sup>2</sup>

The act of 1818 with reference to prison bounds, and the one of 1820 for the relief of insolvent debtors were reenacted in 1824 as part of the *Revised Laws*.<sup>3</sup> Provision was also made, as part of a law subjecting real and personal estate to execution, that any person whose body should be taken in execution could discharge himself therefrom by delivering all the property of which he was possessed, subject to execution, and solemnly swearing that it was all, and that he had neither directly nor indirectly disposed of, transferred, or concealed any of his property, monies, or effects, with an intention to defraud creditors.<sup>4</sup>

<sup>1</sup> *Laws of Indiana, 1819-20*, pp. 144-49, §§ 1-10, 14.

<sup>2</sup> *Ibid.*, 1822-23, pp. 92-94.      <sup>3</sup> Pp. 230-34, 310-12.

<sup>4</sup> *Revised Laws of Indiana, 1823-24*, pp. 192-93.

Although the act to abolish imprisonment for debt unless for fraud was not included in the revision, it was not expressly repealed. It must have been considered in force, for the next year an act was passed defining the duties of a sheriff upon arresting a judgment debtor on an execution or *capias* from another county than his own.<sup>1</sup>

Four years later two statutes were passed, one supplementary to the act of 1824 for the relief of insolvent debtors,<sup>2</sup> and the other amending the act subjecting real and personal estate to execution. The second provided that the oath of a debtor to his schedule of property and his declaration that he had not disposed of, transferred, nor concealed any property to defraud creditors should be taken before some judge or justice of the peace where he might be examined under oath by the creditor or his attorney.<sup>3</sup> This provision was reenacted without substantial change in 1831 for incorporation in the revision of that year.<sup>4</sup>

At the 1829-30 session, "all soldiers of the revolutionary war" on the pension list were made "privileged from arrest, or entitled to be discharged from imprisonment from debt hereafter to be contracted," upon proof that they were pensioners, and "the body of each and every soldier of the revolutionary war" being or becoming a citizen of the state, was made "exempt from imprisonment for debt,"<sup>5</sup> which would imply that the act abolishing imprisonment for debt except for fraud was not recognized as being in effect. This inference is strengthened by the enactment, five years later, of "An act to abolish imprisonment for debt in case of females," which provided that no *capias* or *capias ad satisfaciendum* should ever be issued in any civil cause against a female, nor should any female be arrested or held to bail in a civil cause unless for contempt of court or upon attach-

<sup>1</sup> *Laws of Indiana*, 1825, pp. 26-29.

<sup>2</sup> *Ibid.*, 1828-29, p. 61.

<sup>3</sup> *Ibid.*, 62.

<sup>4</sup> *Revised Laws of Indiana*, 1830-31, p. 201.

<sup>5</sup> *Laws of Indiana*, 1829-30, p. 57.



ment by a court of equity.<sup>1</sup> This act was incorporated in the *Revised Statutes* of 1837-38 as part of Chapter 27, the remaining portion consisting of the act for the relief of insolvent debtors as reënacted in 1831.

The act subjecting real and personal property to execution, which set out the provisions for releasing an execution debtor from arrest and imprisonment upon his filing a verified schedule of all his property with a denial under oath of having transferred or concealed anything with fraudulent intent as above set out, was also included in the *Revised Statutes* of 1837-38.<sup>2</sup>

Later it was provided that whenever an execution defendant should be in custody upon a writ of *capias ad satisfaciendum* he might be ordered discharged without prejudice and a new execution issued to seize his property, but not more than one such *capias* for his arrest should be issued.<sup>3</sup>

At last, after a quarter of a century of statehood, "an act to abolish imprisonment for debt" was enacted, providing that no debtor should be imprisoned except for fraud, that any person held in custody upon civil process should have the benefit of the writ of habeas corpus to inquire whether or not he had been guilty of fraud or of concealing his property, and that "all persons now confined in the prison or prison bounds of any county in this State by or under any writ or other restraining process in any civil case, be . . . discharged."<sup>4</sup>

Even this did not prove final, for when the revised code was adopted the following year the enactment in general terms that no debtor should be imprisoned except for fraud was omitted. While enacting that no female should be imprisoned for any debt on contract, in regard to male debtors it provided that no execution should issue against the body of any execution debtor except after the filing

<sup>1</sup> *Laws of Indiana*, 1834-35 (general), p. 61.

<sup>2</sup> Pp. 281-83.

<sup>3</sup> *Laws of Indiana*, 1840-41 (general), p. 125.

<sup>4</sup> *Ibid.*, 1841-42 (general), pp. 68-70.

of an affidavit charging the debtor (in general terms) with having fraudulently concealed, removed, conveyed, or transferred his property with intent to defraud and delay the complaining creditor, and after a hearing in court similar to a proceeding supplementary to execution as now conducted.<sup>1</sup>

When the convention met in 1850 to frame a new state constitution, it wrote into the Bill of Rights, as part of the constitution, that "there shall be no imprisonment for debt, except in case of fraud," since which time it has been and now is necessary to prove the fact of fraud as a step preliminary to obtaining the commitment of a debtor to prison upon civil process.

Other legislation enacted in 1811 included an act on bounties for the killing of wolves. The existing requirement that in order to obtain the bounty for killing a wolf the claimant must "produce the head with the ears before a justice of the peace" was modified to permit payment of the bounty upon producing before a justice of the peace "the whole skin of the face of a wolf with the ears entire."<sup>2</sup> The amount of bounty was raised from 75 cents to \$1.00.

The time for holding general elections for members of the territorial legislature and the delegate to Congress was fixed as the first Monday in August, biennially, instead of in April.<sup>3</sup> Elections continued to be held in August until the adoption of the new constitution in 1851, when the date was changed to the second Tuesday in October.<sup>4</sup> Thirty years later it was fixed by amendment at the first Tuesday after the first Monday in November, which continues to be the law.<sup>5</sup>

Voting by ballot was now substituted for oral voting. It was provided that persons should vote by each handing

<sup>1</sup> *Revised Statutes of Indiana*, 1842-43, pp. 752 ff.

<sup>2</sup> *Post*, 222-23.

<sup>3</sup> *Post*, 225-26.

<sup>4</sup> Art. 2, § 14.

<sup>5</sup> *Burns' Annotated Indiana Statutes*, 1926, vol. 1, § 102.

in "one ticket and no more" containing the names of each candidate voted for, each ticket to be "a written ticket," folded, so that voters should "thus give their votes secretly," and not to be unfolded until the ballot box was opened after the election was over. Payment of a territorial or county tax was necessary to qualify one as a voter. Severe penalties were enacted for attempting to control elections by intimidation, bribery, and other frauds.<sup>1</sup>

Despite these safeguards, there were charges of corruption in the holding of elections. "A Citizen of Indiana" in a letter to the editors of *Liberty Hall*, a Cincinnati newspaper, stated that at the election held in Knox County in 1812 for delegate to Congress, United States troops stationed there were permitted to vote, while a number of French inhabitants were denied the privilege because they had not taken the oath to support the Constitution. The same writer charged that in 1811, when oral voting was used, and Jonathan Jennings and Thomas Randolph were candidates for delegate to Congress, the votes of about forty of the French inhabitants who intended to vote for Jennings were placed to a third candidate, unknown in the territory or elsewhere, because they could not plainly pronounce the name "Jennings."<sup>2</sup>

An echo of the act of Parliament of 1792 giving defendants charged with libel a right to have the jury determine both the law and the facts, may be found in the application of a similar principle to "all prosecutions by indictment or information," and not merely to prosecutions for libel.<sup>3</sup>

Delinquent collectors of public revenue were deprived of all benefit of the "Act concerning Executions," passed in 1807, which authorized debtors to procure the release of their property or their bodies when taken in execu-

<sup>1</sup> *Post*, 230-31, 234-35.

<sup>2</sup> *Liberty Hall*, September 1, 1812.

<sup>3</sup> *Post*, 237-38; 32 George III, c. 60.



tion by giving a bond with sufficient sureties for payment of "the amount of such execution, including all costs, with lawful interest . . . within five months."<sup>1</sup>

In this connection it may be noted that special acts were passed in 1811 for the relief of many sheriffs against whom taxes were charged which they had not collected and which they had satisfied the legislature they were unable to collect. These included the sheriffs of the counties of Knox and Harrison, of Dearborn, and of Clark, as well as the collector of Knox County.<sup>2</sup> All of the counties which had been organized more than a year were affected by these acts.

It was provided at this session that only those "entitled to the right of suffrage" could be appointed to office, but whether this was aimed at newcomers who had not been in the territory long enough to vote, or those who failed to qualify themselves by paying their taxes, does not appear. Certainly no question had yet arisen of permitting women to hold office.<sup>3</sup>

The width to which public roads should be opened was reduced from sixty-six feet to thirty-three feet, and it was enacted that "all male persons between the age of sixteen and fifty-five years, be . . . obliged and liable to work" on the public roads; the age limits had been eighteen and fifty years.<sup>4</sup> The number of days that a man could be called upon for road work remained at twelve as fixed by the act of 1807.

In that day of no bridges, convenient ferries on streams which could not be forded were indispensable. An act was passed requiring "any ow[n]er or occupier" of an established ferry to keep the banks of the stream "in such repair, that waggons and teams may safely and

<sup>1</sup> *Post*, 240; *Revised Laws of Indiana Territory*, 1807, pp. 447-49 (Philbrick ed., 540-42).

<sup>2</sup> Knox and Harrison, *post*, 220-21; Dearborn, 238-39; Clark, 243-44; collector of Knox, 244-45.

<sup>3</sup> *Post*, 246.

<sup>4</sup> *Post*, 248; *Acts of Indiana Territory*, 1808, pp. 5-6 (Philbrick ed., 647).

conveniently pass," under penalty of the fines imposed on supervisors of highways for neglect of their duty.<sup>1</sup>

The appropriation bill discloses that \$25 was allowed to Parmenas Beckes and \$11 to Knox County as rent for the accommodation of the legislature at this session, and \$24.75 to Jones and Dubois for the "stationery furnished for the use of both houses."<sup>2</sup>

The practice of assessing lands every four years dates from this session, a lister in each county being required to set down the name of each landowner, the number of acres owned, and whether it was "first," "second," or "third" rate. A land tax was to be levied for territorial purposes of not more than one cent per acre (one dollar per hundred acres) for first-rate land, a half cent for third-rate land, and three-fourths of a cent for second-rate land, all being considered as second rate until shown to be of less or greater value.<sup>3</sup>

Notwithstanding the enormous size of the half dozen counties then organized, a witness might be compelled to attend and testify before any justice of the peace in any township of his county, under penalty of being "fined in any sum not exceeding the amount of the debt and damages sued for," if served with a subpoena "at least two days before the trial where the witness resides within thirty miles" of the residence of the justice, plus an additional "day for every twenty miles above that distance."<sup>4</sup> The justice could only act when not more than \$40 was in controversy.<sup>5</sup>

There were almost no roads in the territory with the exception of bridle paths along the rocky bed of a stream or following a course marked by the buffalo, elk, and other wild game in their migrations, or along a "trace" where the settlers' axes had cut away the underbrush sufficiently so that a person on foot or horseback could push his way through. The compensation for witnesses,

<sup>1</sup> *Post*, 252.

<sup>2</sup> *Post*, 253.

<sup>3</sup> *Post*, 254 ff.

<sup>4</sup> *Post*, 264-65.

<sup>5</sup> *Post*, 271.

in addition to the consciousness of having performed a public duty, was fixed at twenty-five cents for each day's attendance.<sup>1</sup>

The principle of taxing bachelors was recognized by the enactment "that all single men above the age of twenty-one years who have no taxable property shall be subject to a poll tax of fifty cents for county purposes."<sup>2</sup> As against the tax of \$1.00 per year on a hundred-acre farm of first-rate land and less rates for lands of poorer quality, the tax for keeping a billiard table was fixed at \$30 per year.

Any person "conscientiously scrupulous of bearing arms" could purchase exemption from "militia duty or services in times of peace" by the payment each year of a tax of \$5.00.<sup>3</sup>

The terms of common pleas courts in each county were to continue one week; if the "six days for each term should prove too short" to "compleat" the pending business, the judges could adjourn to "Monday of the following week then to set three days and no more," but could not then try jury cases.<sup>4</sup>

Some agitation for the organization of a state government was displayed at this session. In the memorial to Congress on the subject, it was pointed out that the monarchical form of government exhibited in the territories was irreconcilable with the principles governing the institutions of the different states of the Union. The congressional committee, to whom the petition was referred, reported back a resolution that the territory be admitted into the Union as soon as its population reached thirty-five thousand. Succeeding legislatures were evidently not so eager for statehood as no provision was made for taking a census of the population until 1814.<sup>5</sup>

<sup>1</sup> *Revised Laws of Indiana Territory*, 1807, p. 358 (Philbrick ed., 475).

<sup>2</sup> *Post*, 278.

<sup>3</sup> *Post*, 281.

<sup>4</sup> *Post*, 282-83.

<sup>5</sup> *Post*, 787-88; *Annals*, 12 Congress, 1 session, 1247.

## SESSION OF 1813—DEVELOPMENT OF A TRANSPORTATION SYSTEM

The first session of the Fourth General Assembly of Indiana Territory convened at the "Borough of Vincennes" on February 1, 1813, a little more than a year after adjournment of the preceding session in December, 1811. Harrison, when he prorogued the Assembly of 1811, set the date for their next meeting at Monday, October 5, 1812. By that date he was at Fort Defiance, Ohio, in command of the Northwestern Army and planning an attack upon Detroit. Late in December he resigned his civil office, and it was John Gibson who finally summoned the Fourth Assembly four months after the time set for its meeting. Indian attacks on Fort Wayne, Fort Harrison, near what is now the city of Terre Haute, and the massacre of twenty-two persons at the Pigeon Roost settlement, a few miles south of where Scottsburg now stands—all of which occurred in September, 1812—together with intermittent raids on other frontier settlements had created a scene of alarm and confusion in the territory. A memorial sent to the president asked for additional United States troops to help protect lives and property.<sup>1</sup> A second memorial pointed out that the continual resort to arms of the local militia had prevented lands from being improved or crops

<sup>1</sup> *Post*, 793-95. The secretary of war, in a letter of April 23, 1813, to the president of the Legislative Council and speaker of the House of Representatives, stated that a corps of Rangers would be organized to replace those whose terms of service were about to expire, that the ranks of the First Regiment, serving on the Mississippi, would be filled, and that two companies of the Twenty-fourth Regiment were on the march to the frontier. Arms and ammunition had been ordered from Pittsburgh, gunboats had been ordered for the Wabash, Illinois, and Missouri, and the defense of the territories committed to Brigadier General Howard who would organize and direct their military resources. These measures, in addition to those taken for drawing the attention of the enemy to the defense of Malden, would, it was hoped, be sufficient to protect the exterior settlements. *Military Book*, 6:380, Old Records Division, War Department, Washington.

raised, in consequence of which many settlers were in danger of losing their lands unless Congress extended the time for making payments.<sup>1</sup>

The second act passed by the Assembly provided for "improving the Navigation of White Water" from the Indiana-Ohio boundary up to the forks at Brookville, and thence up the west branch to the "three forks," probably near where Connersville now stands, then an Indian trading post. A joint resolution was sent to the governor of Ohio soliciting complementary legislation from the assembly of that state to declare the Whitewater navigable on their side of the boundary line.<sup>2</sup> The courts of common pleas of Dearborn and Franklin counties were to appoint a surveyor for each "precinct or division" into which the stream was to be subdivided, and "allot to each a sufficient number of hands of said county who are compelled to work on roads by law, to remove all obstructions in said river, and to keep the same open for navigation." What was meant by "navigation" was indicated by the provision that owners of milldams should "erect and keep in complete order slopes and locks sufficient for boats to pass commonly called flat bottom boats," and that the workmen were to "clear out all obstructions," and "cut all timber projecting over said stream, that may be necessary, to cut all shrubs of all points and islands, remove all fish-dams or logs, rocks and shoals that may be necessary." In other words, they were to prepare the stream for floating flatboats and bateaux down it in times of flood.<sup>3</sup>

It would be hard to exaggerate the importance to the settlers in territorial days of the Ohio River and streams flowing into it. Cattle and horses sometimes were driven over the mountains to an eastern market, but at first all merchandise not able to carry itself, if too heavy or too bulky to be loaded on pack horses driven along bridle

<sup>1</sup> *Post*, 790-92.

<sup>2</sup> Territorial House Journal, February 18, 1813.

<sup>3</sup> *Post*, 298-99.



paths through the woods, was transported by water on the Ohio River and its tributaries. To a great extent merchandise was carried only downstream, making use of the current as motive power. Furs were carried to the trading posts in canoes, of which the larger ones, propelled by several paddles and capable of carrying many bales of dried skins, were known by the French name of bateaux. Canoe loads of furs were often floated upstream by paddling in still water and dragging the canoes over the ripples by wading or poling. However, products of the forest, such as timber, staves, hoop poles and tanbark, and of the farms, such as corn, wheat, pork, and (at a later period) hay, could only be carried to market by floating them downstream on the creeks and small rivers in times of flood to the Ohio River, and thence down the Ohio and Mississippi rivers to New Orleans. There the owners of sugar plantations in the West Indies went for supplies of food for themselves and their oxen and horses, and for materials from which to construct barrels and hogsheads, to erect buildings, and to tan hides for leather. Besides, however primitive life in the Ohio Valley may have been, New Orleans already enjoyed a brisk trade, by water, with the cities on the Atlantic coast, then far older than Indianapolis is now, while Havana and other Spanish settlements in the West Indies were even then more than twice that old. During territorial days, when the settlements in Indiana were confined to a narrow belt along the Wabash, Ohio, and Whitewater rivers, and no bridges and few milldams had been constructed on any streams large enough to float a canoe, few questions arose as to rights of navigation. The privilege of anybody, to whose door the backwater of the Ohio River might spread, to pole his flatboat down to where the current would bear it toward New Orleans was tacitly acknowledged. But as settlers became more numerous the construction of dams and fences across streams that flowed little water the greater part of the year, and were sometimes entirely dry, but held water

enough after a hard rain to float a boat loaded with the very meager produce of several backwoods clearings, led to many disputes.

Beginning in 1820, acts were passed designating as "public highways," scores of small rivers and smaller creeks across which the traveler now drives without suspecting that they ever served any purpose except for drainage. The first of these acts, besides declaring the Whitewater navigable to a point several miles north of Connersville, and the "Muskakatuck" to the town of Vernon, was limited to declaring each of many small streams flowing into the Ohio and Wabash rivers navigable as far upstream as the backwater flows in times of flood, which in nearly every instance was to somebody's mill; as, Big Blue River to Fredericksburg, Laughery Creek to "Hartford" (sometimes called Laughery, where a three-story warehouse, long disused, still testifies that the town was once a river port), Poison Creek to Cummins' Mills, and Little Pigeon to John Barker's Mill.<sup>1</sup>

Even before this, in authorizing the erection of a bridge across Laughery Creek at "Hanover" (a short-lived town halfway between Hartford and the Ohio River) it had been provided that it must be "constructed in such manner as not to obstruct the navigation of the said Laughery Creek, or prevent the passage of boats of any description at any stage of the water whatever."<sup>2</sup>

Soon afterward Laughery Creek was declared navigable some thirty miles upstream from Hartford, to where it is now crossed (on a little stone bridge) by the turnpike running east from Napoleon toward Manchester.<sup>3</sup>

Thirty-six years later we find the legislature still asserting that "Whereas, a large portion of the citizens of Dearborn and Ohio counties . . . depend upon the navigation of . . . Laughery Creek for the safe and speedy transportation of their agricultural and mechani-

<sup>1</sup> *Laws of Indiana*, 1819-20, pp. 58-61.

<sup>2</sup> *Ibid.*, 1818-19, p. 135.

<sup>3</sup> *Ibid.*, 1822-23, pp. 133-34.



cal products to a good market," that stream "from its confluence with the Ohio River to the town of Hartford" (five miles) is "hereby declared to be a navigable stream."<sup>1</sup>

At the same time that the statutory navigability of Laughery Creek was extended so far upstream, Big Sand Creek in Jennings County, which did not receive backwater from a river but depended on the flood waters following hard rains for its ability to float boats, was declared a "public highway" almost to Gaynorville (five miles south of Greensburg), a distance of twenty-five miles, "Provided, that no person shall be prohibited from erecting mill dams upon the same, if suitable slopes or locks be made to said dams for the safe passage of boats or rafts."<sup>2</sup>

John Conner, the Indian trader, was authorized to erect a dam for a grist- and sawmill "across White River, at the Horse Shoe Bend," about half a mile south of the present city limits of Noblesville, but was forbidden to raise the water "more than three feet above its common level, at a usual stage; and shall erect a good and sufficient slope in said dam, at least twenty five feet wide, and thirty six feet long, to let boats pass." He was made liable for damages to anybody "injured in the navigation of said river, by means of the erecting of said dam, and the insufficiency or bad repair of such slope."<sup>3</sup>

Another year brought a codification of the laws already passed and added to the list of streams that were to be considered "public highways" many additional streams, some for only a few miles back from the Ohio River, like "Tanner's creek from its mouth to Blasdel's mill" (near Guilford, where only backwater from the river or flood waters for a few hours after a hard rain ever precludes wading across with rubber boots), and others far inland, such as the West Fork of White River to where Muncie now stands, described as "the Delaware towns," the East

<sup>1</sup> *Laws of Indiana*, 1859, p. 121.

<sup>2</sup> *Ibid.*, 1822-23, p. 142.

<sup>3</sup> *Ibid.*, 15-18.

Fork to the present site of Edinburg, and Flatrock to the mouth of Little Flatrock. Crawfordsville was also declared to be upon "navigable water" by listing Sugar Creek, at the northwest edge of that city as a public highway, and the like favor was done to Vernon, the act declaring the Muscatatuck and its North Fork a public highway to the town of Vernon, where Highway No. 7 now crosses it.<sup>1</sup>

To "obstruct any stream declared navigable by this act, by falling timber therein, and not removing the same within ten days" was made punishable by a fine not exceeding \$3.00. And while milldams "of public utility" might be built across such streams, the builder must "provide, and at all times when such streams are navigable, keep in repair, good and sufficient locks or slopes, of dimension sufficient to secure the safe passage of all such boats, or other crafts, as may navigate said streams," with the exception that slopes were not necessary on dams in White River not exceeding four feet in height.<sup>2</sup>

Erecting or keeping up "any milldam or other obstruction, calculated to destroy or injure the navigation" of any such stream was made punishable by a fine of not more than \$500, nor less than \$10, in addition to liability for damages to the person injured thereby.<sup>3</sup>

The next year a company was authorized to build a bridge across Tanner's Creek at Lawrenceburg, near its mouth, by a law which made no provision for keeping it open for navigation.<sup>4</sup> But whether this was because the legislature no longer wished it to be navigated to Blasdel's Mill five miles away, or because it was believed the location of the bridge would require it to be built so high above the water that canoes and flatboats could pass under, does not appear.

A "personal" examination of both branches of White River, the East Fork as far as Edinburg, and the West

<sup>1</sup> *Revised Laws of Indiana*, 1823-24, p. 401.

<sup>2</sup> *Ibid.*, 402, §§ 3 and 4. <sup>3</sup> *Ibid.*, § 2.

<sup>4</sup> *Laws of Indiana*, 1825, pp. 40-43.

Fork almost to Winchester, was ordered to be made by Alexander Ralston (who had recently platted Indianapolis), to locate obstructions by driftwood, leaning trees, and other causes, and to make an estimate of the cost of removing them, for which he was to receive "one dollar and fifty cents, for every day, by him necessarily employed."<sup>1</sup>

He began the survey at Sample's Mill in Randolph County (130 miles, by the crooked stream, above Indianapolis) where the river was thirty feet wide, and floated down the West Fork, 245 miles below Indianapolis. Due to sickness he did not make the survey of the East Fork. In his report on the West Fork, made to the next General Assembly, he gave \$1,460 as the estimated cost of preparing the river for the navigation of flat-bottomed boats. The most formidable obstruction, he said, was at the upper end of the Owl Prairie (in Daviess County) where the river left its original channel and passed through a drift fifty yards in breadth and from ten to fifteen feet high, through which the smallest craft could not find a way. He recommended preparing the river for low-water navigation between Conner's Mill (near Noblesville) and Indianapolis, which he estimated would cost from two to three hundred dollars. This would enable small rafts of lumber and shingles to float down the river in the summer and fall season when these articles were most in demand in the new capital.<sup>2</sup>

Sugar Creek in Shelby and Johnson counties and Elk Creek in Washington County were added to the waters of which the navigation was to be improved by the work of all persons "subject to road duty, living within three miles on either side." And Blue River, past where Shelbyville now stands, was to be "worked" as a highway in the same manner, as were Laughery Creek to where the state highway between Dillsboro and Indianapolis

<sup>1</sup> *Laws of Indiana*, 1825, p. 63.

<sup>2</sup> Manuscript report in Indiana State Library, dated December 13, 1825.

crosses it, the Muscatatuck through five counties, up to the town of Vernon, Patoka River in two townships, Flatrock, Clifty Creek, Haw Creek, and almost the entire length of the East Fork and West Fork of White River. Busseron Creek, near Sullivan and Carlisle, Log Lick and Plumb creeks, near Vevay, Big Indian Creek near Martinsville,<sup>1</sup> Lick Creek from its mouth to its junction with Lost River, and the latter from its mouth to the present town of Orangeville, were also added to the public highways of the state.<sup>2</sup>

Salt Creek to a point north of where Highway No. 46 crosses it, within a half dozen miles from Nashville, the East Fork of Whitewater for twenty miles north of Brookville, the Blue River as far north as Morristown, where Highway No. 52 now crosses it, the Mississinewa for nearly a hundred miles, to Ridgeville, in Randolph County, and the Brushy Fork of Muscatatuck "to the mouth of Hog Creek, within the county of Scott," were declared public highways at the next session.<sup>3</sup> Further provision was made for removing obstructions from the Patoka River and for preventing the obstruction of Laughery Creek with milldams "more than four feet high for at least forty feet in the centre of said creek," so as to permit flat-bottomed boats to glide over.<sup>4</sup>

Sugar Creek, past Amity, Needham, Boggstown, and London, up to Manan's Mill in Moral Township, in Shelby

<sup>1</sup> Sugar, Elk, Blue, *Laws of Indiana*, 1825, pp. 72-74; 1825-26, p. 43; Laughery, 1825-26, pp. 44-45; Muscatatuck, *ibid.*, 46; Patoka, *ibid.*, 47; Flatrock, Clifty, Haw, White, *ibid.*, 47-49; Busseron, *ibid.*, 44; Log Lick, Plumb, Big Indian, *ibid.*, 45.

<sup>2</sup> *Ibid.*, 46. The apparent discrepancy in this law is explained by the fact that the main stream was formerly called Lick Creek from its source near the present town of Paoli to its junction with White River, while the name Lost River applied to the stream emptying into it near the present town of West Baden. See *Colton's Map of Indiana* (New York City, N. Y., 1838).

<sup>3</sup> Salt Creek, *Laws of Indiana*, 1826-27, p. 43; East Fork of Whitewater, *ibid.*, 40; Blue, *ibid.*, 43; Mississinewa, *ibid.*, 41; Brushy Fork of Muscatatuck, *ibid.*, 44.

<sup>4</sup> Patoka, *ibid.*, 43; Laughery, *ibid.*, 46.



County, east of Pleasant View, was added the next year to the Blue River public highway, for the improvement of which the commissioners were "authorized and required to call out all the hands living within three quarters of a mile on either side of said creek, to work two days in each year."<sup>1</sup>

Sums of money were appropriated for removing driftwood, snags, and other obstructions from each of the following: the East Fork of White River, the West Fork below "Andersontown," the Wabash, the Patoka, the Big Blue (across Harrison County), and Laughery Creek in Ripley and Dearborn counties. The amounts ranged from \$100 for use on Laughery Creek in Ripley County, and \$300 on the Big Blue, below Fredericksburg, to \$1,000 each for the two forks of White River and \$2,000 for improving the Wabash.<sup>2</sup>

Black [Maria] Creek, north of Vincennes, Indian Creek in Martin County, Bean Blossom to its junction with Griffith's Creek, three miles north of Bloomington, Twin Creek in Washington County to "Duskill's mill,"<sup>3</sup> and Eel River as far up as "Croy's Mill" in Putnam County,<sup>4</sup> were added to the public highways in 1829.

Little Pigeon Creek, from Steel's Mill to its mouth (between Warrick and Spencer counties), was the only highway added in 1830 to the system of waterways which Nature had failed to make navigable, but which the Assembly attempted to make so by statute. The legal navigability of the Mississinewa River was extended clear across Randolph County to the Ohio state line north of Union City; but it was enacted that the Big Vermilion (flowing southeast from Danville, Illinois) and the St. Mary's (flowing from Ohio, past Decatur to Fort Wayne) should not be deemed navigable streams within the Ordi-

<sup>1</sup> *Laws of Indiana*, 1827-28, pp. 61-62.

<sup>2</sup> *Ibid.*, 62-63.

<sup>3</sup> *Ibid.*, 1828-29, p. 80.

<sup>4</sup> *Ibid.*, 78.

nance of 1787; and the provision that Twin Creek should be a public highway was expressly repealed.<sup>1</sup>

Appropriations were made of from \$100 to \$300 "out of the three per cent. fund," to improve the navigation of each of the streams of Lick Creek, Lost River, Salt Creek, Muscatatuck, Whitewater up to the forks, and each of its branches above there, and Big Creek in Posey County.<sup>2</sup> And \$4,528.52 was directed to be expended for "improving the navigation" of the Wabash River, "at the Grand Rapids" and at the "Little Rocky Ripple" farther downstream, and at such other points as "present the most serious obstructions to steam boat navigation." Also, \$300 was appropriated to remove obstructions to the navigation of Eel River, and \$150 for the improvement of Busseron Creek in Sullivan County.<sup>3</sup>

By way of comparison—Congress is now being urged to appropriate \$18,000,000 for expenditure on the Wabash River alone, chiefly in the matter of flood control, and with no thought of preparing the river for passage of boats on continuous trips above Terre Haute, at the farthest.

The legislation passed at the 1829-30 session practically ended attempts to make navigable waterways out of creeks and rivulets with no water except when it rained. At the next session an act was passed which grouped under the declaration that "the following streams shall be declared public highways," a list of the many streams which had been named in prior acts.<sup>4</sup>

A few amendatory acts were afterward passed,<sup>5</sup> but except for adding to the list of streams enumerated in the above act Salt Creek to the junction of Muddy Fork and Muddy Fork to Willey's Mill (without even naming

<sup>1</sup> Little Pigeon, *ibid.*, 1829-30, p. 97; Mississinewa, *ibid.*, 94; Big Vermilion, St. Mary's, *ibid.*, 94; Twin Creek, *ibid.*, 93.

<sup>2</sup> *Ibid.*, 95-96.

<sup>3</sup> Wabash, *ibid.*, 98; Eel, *ibid.*, 99; Busseron, *ibid.*, 100.

<sup>4</sup> *Ibid.*, 1830-31 (special), pp. 95-96.

<sup>5</sup> *Ibid.*, 1833-34, pp. 172-73; 1843-44 (general), p. 75.



the county where they were located), and White Creek from its junction with the East Fork of White River to the first principal forks north of the line dividing Jackson and Bartholomew counties, and a final act declaring Sugar Creek a public highway from its junction with the Wabash River, north of Montezuma, across Parke and Montgomery counties almost to Thorntown, and commanding that it be kept free from drift and other obstructions by the labor of those liable to work on the roads, this kind of legislation was at an end.<sup>1</sup>

The incorporation of the Whitewater Canal Company in 1826<sup>2</sup> had been followed two years later by the incorporation of a company to build a turnpike from Indianapolis through Brookville to Harrison, on the way toward Cincinnati (now Highway No. 52), with tollgates every ten miles,<sup>3</sup> and the appointment of commissioners to build a canal connecting "the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie" (the Maumee River).<sup>4</sup>

In 1830, three acts were passed incorporating turnpike companies. One company was to construct "an artificial road of wood, stone, gravel, or other proper or convenient materials" so as to secure a firm surface, with bridges over all streams "except across the two White rivers," where ferries were to be used, leading from New Albany through Paoli (now U. S. Highway No. 150), and on through Washington to Vincennes (now U. S. Highway No. 50).<sup>5</sup> Another was formed to build a like toll road from Richmond southeast connecting at the state line with a turnpike to be built in Ohio through Rossville to Hamilton.<sup>6</sup> The third company was to build one from College

<sup>1</sup> Salt Creek and Muddy Fork, *Laws of Indiana*, 1834-35 (general), p. 80; White Creek, 1833-34, p. 173; Sugar Creek, 1842-43 (general), pp. 111-13.

<sup>2</sup> *Ibid.*, 1825-26, pp. 29-36; 1826-27, p. 28.

<sup>3</sup> *Ibid.*, 1827-28, pp. 47-55.

<sup>4</sup> *Ibid.*, 10-12; 1828-29, pp. 13-15.

<sup>5</sup> *Ibid.*, 1829-30, pp. 60-69.

<sup>6</sup> *Ibid.*, 70-81.

Corner northwest to Liberty (now U. S. Highway No. 27), through Brownsville, and thence by way of Milton "to some convenient point on the National Road" (not then constructed, but laid out afterward through what became Cambridge City, two miles north of Milton).<sup>1</sup>

From that time forward for twenty years, and until the new constitution forbade granting special charters, every session of the legislature saw the incorporation of a large number of companies to build highway improvements of plank, stone, or gravel, with authority to maintain tollgates and charge rates for traveling over them which would now be regarded as prohibitive, notwithstanding little was done for the comfort of the traveler except to provide that he should not mire down in bottomless mud.

Almost from the time of making the first settlements, the locating and opening of roads had devolved on the local officers of counties and townships. But beginning in 1820 there had been a veritable flood of bills, establishing state roads that extended across or into more than a single county, and led from one important town to another, somewhat like our present system of state highways, except that no provision was made for improving or maintaining them at the expense of the state.

The first of these acts authorized different sets of commissioners to "locate, and lay out, a permanent road in the nearest direction and on the best ground" over each of twenty-five routes, connecting places then of importance, aggregating some fifteen hundred miles in length. A number of these roads were over routes now followed by state highways, including roads radiating from Indianapolis to Brookville, to Lawrenceburg, and to Madison. Three of them led from Brownstown, extending to Bloomington, to Madison, and through Lexington to Bethlehem, in Clark County. Nor were Brownstown and Bethlehem the only towns apparently of greater relative importance then than now. The list of towns not county

<sup>1</sup> *Ibid.*, 82-84.

seats that are still on the map, to or through which state roads were ordered located, included Napoleon, Harmony, Springfield, Fredericksburg, Fairfield, and Dunlapville. While McDonald's Ferry (Clark County), the "Poke Patch" (Warrick County), named in locating two roads, Mount Sterling (Crawford County), Sandersville (Vanderburgh County), also on two roads, Salisbury (Wayne County), Abraham Bosley's (Orange County), Hindostan (Martin County), and New London ("on the Ohio River" below Madison) are not shown on any map to which I have access. Most of these roads were in the southern part of the state and only one was to extend farther north than "to the Seat of Government." It was to be laid out from Lawrenceburg, on the Ohio River, through Brookville, Connersville, and Centerville, to Winchester.<sup>1</sup>

Two years later the state definitely embarked upon the system of public improvements that finally bankrupted the treasury. It appropriated \$100,000 of the "three per cent. fund, due from the Government of the United States, to this state, arising from the sales of public lands in this state," to be used in "clearing out" the several state roads to the width (in most cases) of forty feet, taking off "all timber even with the ground; except such as are eighteen inches [in diameter] and upwards, which shall be cut at the usual height of twelve inches."<sup>2</sup>

As these roads, more than twenty in number, aggregated more than 1,500 miles in length, the average appropriation was less than \$70 per mile, though the amounts appropriated varied between less than \$40 per mile (\$1,000 for 26 miles of road) between Rising Sun and Versailles, to more than \$83 (\$3,166.62½ for 38 miles) between Versailles and Vevay, no doubt depending, in part, upon how much had already been done by the local officers toward cutting the trees and opening a way for travel. These roads extended from Indianapolis

<sup>1</sup> *Laws of Indiana*, 1819-20, pp. 97-112.

<sup>2</sup> *Ibid.*, 1821-22, p. 152, § 1, p. 164, § 29, p. 167, § 36.

to the Ohio River at Evansville (by way of Terre Haute), "Mock's Ferry" (south of Corydon), Madison, Vevay, and Lawrenceburg, respectively, and down through Brookville toward Cincinnati, west across the state from Richmond to Terre Haute, and from New Albany to Vincennes. For the most part they were the same routes that had been ordered marked two years before, but they were to pass through Merom, Owingville, Portersville, Mauck's Ferry, Bono, Terre Haute, Petersburg, and other towns, that the earlier law had not required them to reach.<sup>1</sup>

The next session of the legislature provided for several additional state roads<sup>2</sup> for completing the locating and opening of some already established,<sup>3</sup> and for lengthening and relocating others.<sup>4</sup> These included a new road from Terre Haute to Fort Wayne, by way of Crawfordsville,<sup>5</sup> and the lengthening of the Lawrenceburg, Brookville, and Winchester road to reach Fort Wayne, which now for the first time claimed the attention of the lawmakers.<sup>6</sup>

Additional roads connecting distant points were established by acts passed at each session of the legislature, and hauling in wagons between Lawrenceburg, Madison, and other places along the Ohio River, and towns in the interior as far away as Bloomington, Indianapolis, and even Crawfordsville, largely superseded the use of boats on the small creeks that could be navigated only after a hard rain.

At the session of 1831-32, the legislature passed eight acts incorporating as many railroad companies, authorized, respectively, to construct railroads on which to operate carriages propelled by steam or other power between Lawrenceburg and Indianapolis, between Madison and

<sup>1</sup> *Ibid.*, pp. 152-61.

<sup>2</sup> *Ibid.*, 1822-23, pp. 24-25, 57-61, 68-70, 127-28.

<sup>3</sup> *Ibid.*, 105-7, 131-32.

<sup>4</sup> *Ibid.*, 31-33, 43-44, 70-72, 72-74, 75-76, 77, 111-12.

<sup>5</sup> *Ibid.*, 127-28.

<sup>6</sup> *Ibid.*, 43-44.

Lafayette by way of Indianapolis, between a point "at or near the falls of the Ohio" and Lafayette, from Lafayette to Trail Creek (Michigan City), from Indianapolis to the state line at Harrison (toward Cincinnati), from New Albany, through Columbus, to Indianapolis, and beyond, from Richmond to the state line, to be continued on through Eaton to some point on the Miami Canal south of Dayton, and from Jeffersonville to Indianapolis, by way of Columbus.<sup>1</sup> It was years before any of these railroads were built but their incorporation ended the attempts to make highways of little streams with little or no water. The attempt to legislate navigability into creeks and rivulets to which Nature had denied both depth and volume was at an end, but while it lasted it was a picturesque feature of pioneer life.

To return to the legislature that convened February 1, 1813, the law for licensing taverns and regulating the sale of spirits, strong water, wine, beer, ale or cider, which had forbidden unlicensed persons to sell "Beer, Ale or Cider, by any quantity less than two gallons," though permitting wine, rum, brandy, and other spirits in amounts of one quart or more to be sold,<sup>2</sup> was amended at this time to provide that "any person or persons shall hereafter be permitted to sell beer, ale or cider in quantity as small as one quart."<sup>3</sup>

Annual taxes imposed for the use of the county were as follows: each slave or servant of color above twelve years of age, \$2.00; each retail store and tavern, \$20; each billiard table, \$50; each stallion the amount of one season's charge; each town lot, 50 cents per \$100 of its value. County courts might lay two additional taxes: on each horse, 37½ cents; on land, at not to exceed half the rate of the territorial land tax. The territory received a land tax of 75 cents per hundred acres for first-rate land, 50 cents, for second-rate, and 25 cents for

<sup>1</sup> *Laws of Indiana*, 1831-32, pp. 173-236.

<sup>2</sup> *Revised Laws of Indiana Territory*, 1807, pp. 87-92 (Philbrick ed., 284-88).

<sup>3</sup> *Post*, 302.



third-rate land; a tax on ferries of not more than \$10; and a tax not exceeding 37½ cents on every horse, mare, mule, or ass.<sup>1</sup>

A study of some of the county records shows variations in the tax rates. In Franklin County, at a court held August 17, 1813, the following taxes were levied for the use of the county: every slave or servant of color above the age of twelve, \$2.00; every horse, mare, mule, or ass, except covering horses, 37½ cents; every covering horse, the rate of the season; all town lots, 50 cents on every \$100 of their value. In addition, a tax of \$3.00 on free male persons of color between the ages of twenty-one and fifty-five was imposed at the August term, 1814.<sup>2</sup>

The record of a court held in Jefferson County, August 11, 1813, contains an estimate of the taxes due the county: 6 black servants, \$12; 6 stud horses, \$11.58; 840 horses at 25 cents each, \$210.50; town lots to value of \$10,695 at one-half per cent, \$53.45; 7,469 acres of first-rate land at 37½ cents per 100 acres, \$27.94; 42,057 acres of second-rate land at 25 cents per 100 acres, \$118; 5,413 acres of third-rate land at 12½ cents per 100 acres, \$6.79. Seven ferries, taxed from \$3.00 to \$7.00 each, should bring in \$27, making a total of \$467.26. The official who made up the estimate was not infallible in his use of the multiplication table, and overestimated by \$13.38, or almost 3 per cent, the proper total for the county. In both counties, taxes on taverns were collected at the time permission was granted for their operation. During this same year, 1813, the court of Jefferson County allowed the following claims against the county: 35 wolf scalps, \$34.75; election expenses for 1812 and 1813, \$26.76; salaries, \$317.50; coroner and inquest, \$10.50; advertising, \$1.00; wages, \$3.62½; rent of court room, \$5.00; supplies, \$3.56; overcharge on taxes the previous year, \$1.50; list-

<sup>1</sup> *Post*, 310, 312.

<sup>2</sup> Minute Book of the Court of Common Pleas of Franklin County, Indiana Territory, August 17, 1813, August 19, 1814.



ing taxable property, \$30; credit allowed sheriff for delinquent taxes, \$1.50.<sup>1</sup>

Sales for taxes might be advertised in some public newspaper either in Indiana Territory or in Kentucky (at Louisville) or Ohio (at Cincinnati) on the most reasonable terms to be obtained by the sheriff.<sup>2</sup>

A pauper entitled to prosecute or defend an act as a poor person was defined as one who could show upon oath that he was "not worth in property, clear of all debts, ten dollars," and considered himself "unable either by industry or otherwise, to procure a sufficiency of money to carry on or defend said suit."<sup>3</sup>

A sort of scrip was provided for, to be issued by the territorial or county auditor to persons having claims against the territory or the county, which the officers charged with the collection of taxes were forbidden to receive at less than its face value, under penalty of being fined not more than \$100 nor less than \$50.<sup>4</sup>

That portion of Knox County south of the East Fork of White River, embracing what now constitutes seven counties and parts of two more, was subdivided into the counties of Gibson and Warrick. It was provided that until county seats should be located and public buildings provided, the courts of common pleas of Warrick County should be "held at the house of Baily Anderson," and of Gibson County "at the house of William Harrington," the locations not being otherwise given.<sup>5</sup>

Dearborn County was empowered to levy, for a single year, "for the purpose of settling and paying up all old or unsettled claims against the said county," a tax of 12½ cents (a Spanish "bit") on each free white man of twenty-one years and over, one-half per cent on the value of each town lot, and 25 cents on each one hundred acres of land.<sup>6</sup>

<sup>1</sup> Civil Order Book, Jefferson Circuit Court, August 11 and November 29, 1813.

<sup>2</sup> *Post*, 320.

<sup>3</sup> *Post*, 304.

<sup>4</sup> *Post*, 330 ff.

<sup>5</sup> *Post*, 348-50.

<sup>6</sup> *Post*, 350-51.

The divorce law enacted at this session indicates that husbands dominated by their wives were not numerous enough at that early date for their needs to appeal strongly to the legislators. Neither did the General Assembly consider minor grievances as just cause for divorce, however inconvenient the marriage tie might become. Provision was made for granting a divorce by decree of the general court or a circuit court, operative only in favor of the innocent party and leaving the guilty party still bound, in case either husband or wife should be convicted of a felony, or should commit adultery, or in case of abandonment by the wife for three years, or by the husband for two years, or in case the husband's treatment of his wife "is so cruel, barbarous and inhuman as actually to endanger her life."<sup>1</sup>

Mark Barnett was paid \$50 "for rent of two rooms for the use of both houses of the legislature during the present session [five weeks], as also for firewood furnished for the same."<sup>2</sup>

The court of chancery was to be abolished "so soon as the suits which are now commenced . . . shall be carried to final judgment and execution," the governor "to appoint two additional Chancellors" who, together with the one already in office should "receive as a compensation, each, fifty dollars per annum," until said suits were finished.<sup>3</sup>

#### SESSION OF 1813-14—MILITIA LAW—REAPPORTIONMENT

The Fourth General Assembly reconvened on the sixth of December, 1813, at Corydon, the new capital.<sup>4</sup> Only two months earlier the Battle of the Thames had been fought (October 5, 1813) in Canada, not far from Detroit, and won by an army largely composed of western militia under the command of General Harrison.

<sup>1</sup> *Post*, 356-58.

<sup>2</sup> *Post*, 359.

<sup>3</sup> *Post*, 365-66.

<sup>4</sup> See *ante*, 24-26, for a discussion of the legislation incident to the removal of the capital.

Governor Thomas Posey, in his first message to the General Assembly, pointed out the immediate need of a revised militia law. The new act, approved on January 3, 1814, ran to more than sixty pages, and was printed as Chapter I of the *Laws*, with its own index. Five hundred copies were ordered separately printed.

It required that each boy on reaching the age of eighteen years, and each man up to the age of forty-five, should enroll in a militia company, and should "provide himself with a good musket and bayonet, fusee, or rifle, a knapsack and blanket, and two spare flints, a pouch with a box therein to contain not less than twenty-four cartridges . . . or pouch and powder horn, with twenty-four balls . . . and a quarter of a pound of powder; and . . . shall so appear armed and accoutred and provided when called on." This equipment was to be exempt from taxes and from execution for debt or rent.<sup>1</sup> Persons exempted from militia duty were ferrymen on post roads, regularly licensed ministers of the gospel, and, in "time of peace," those conscientiously scrupulous of bearing arms. The latter were required to pay \$5.00 annually for their exemption.<sup>2</sup>

Each company was to consist of sixty men or, in case of necessity, from forty to eighty rank and file; four to seven companies were to constitute a battalion, two battalions a regiment, two to eight regiments a brigade, and two to four brigades a division. In case of the formation of a new company the members had the privilege of electing their captain, lieutenants, and ensigns.<sup>3</sup>

<sup>1</sup> *Post*, 373-74. <sup>2</sup> *Post*, 391-92.

<sup>3</sup> *Post*, 375, 376-77. On February 17, 1814, Governor Posey reported that the annual return of the militia showed a total of 5,017, a number which he thought sufficient to form three divisions, six brigades, and twelve regiments. A major general to each division and a brigadier general to each brigade were to be appointed by the president and Senate after nomination by the governor. Heretofore there had been no appointments to these offices in Indiana Territory, the militia serving under officers from Kentucky. On May 12, 1814, Posey forwarded to the secretary of

No uniforms were prescribed for the militiamen below the rank of brigadiers and major generals; but it was enacted that those officers "when they, or either of them, shall appear on any parade days or muster, [they] shall be in uniform, with a French military hat, blue cloth coat turned up with buff or scarlet, with gold epaulettes, white small clothes or buff, also boots [boots] and spurs."<sup>1</sup>

Every company was to muster twice a year, on the first Saturday of April and of September, besides turning out with the other companies of its battalion on an additional Saturday in April, and with all the companies of its regiment on a Saturday in September (the Saturdays being allotted to the several battalions and regiments by their numbers). Regimental drills were to continue "from ten o'clock A.M. until three P.M."<sup>2</sup> At other musters the men and officers were not required to appear until 11:00 A.M. and roll call was to be at 11:30.<sup>3</sup>

The commandants of companies were to make returns to the majors on the days of the battalion and regimental musters. The following report, made by Benjamin Bogard of Harrison County in 1814 or 1815, is no doubt typical:<sup>4</sup>

<sup>1</sup> *Post*, 379.

<sup>2</sup> *Post*, 384.

<sup>3</sup> *Post*, 389. Dr. Logan Esarey describes these musters as "the chief social occasions for the neighborhood. The families of the men attended, a dinner, preferably a barbecue, being served. The young folks spent the days in dancing, while the elders of the community talked over affairs of common interest, usually politics." *A History of Indiana from Its Exploration to 1850*, 1:189 (Fort Wayne, 1924).

<sup>4</sup> John Tipton Papers, 51, in Indiana State Library.

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war nominations for three major generals and six brigadier generals, but later learned that only one major general and two brigadier generals would be appointed. Finally, on January 15, 1816, the appointments for Joseph Bartholomew as major general, and James Dill and Walter Wilson as brigadier generals, were sent to the Senate where they were confirmed two days later. Esarey (ed.), *Messages and Letters of Harrison*, 2:630, 648-49, 685; U. S. Senate, *Executive Journal*, 3:23, 24.

1	Captain	Commissioned officers
1	Leutennant	
1	Ensign	
4	Serjents	Non Commissioned officers
4	Corporals	
1	Drummer	
1	Fifer	
66	Rank & File	Arms and Accuterments
74	guns	
0	Coulars	
3	Soards	
74	Powder horns and Shot Pouches	
74	Sapar Flints	
17	Pounds of Powder	
294	Loose Balls	

"I Do Certify the above to Be A true Stateme[nt] of the  
Strenth and Situation of My Company

BENJAMIN BOGARD *Cap<sup>t</sup>*

"To Major Zenor of the 2 Battalion  
5 Regimen of the Indiana Melitia"

The commandant of a battalion or regiment could excuse a company from going more than fifteen miles (on



foot, usually) to attend regimental or battalion drill, permitting them to drill at home on their own muster field.<sup>1</sup>

Any bystander who should "insult, or otherwise molest, any officer or soldier" at a muster was punishable by being "put under guard, for any time not exceeding six hours."<sup>2</sup>

Fines were imposed in graduated amounts for neglect of duty, ranging from 25 cents for failure of a private soldier to bring a sufficient musket, rifle, or fusee to a company muster, 37½ cents for failing to come so armed to a battalion or regimental muster, and 12½ cents for omitting to bring either a cartridge box or powder horn and bullet pouch to a regimental muster, up to not less than \$20 nor more than \$200 for neglect of duty by a major general.<sup>3</sup>

For the time devoted to military service the adjutant general was to receive \$25 per year in times of peace and \$50 in times of war; the brigade inspector, \$5.00 per year for each battalion in his brigade (usually six), and lesser members of the force, such as paymasters, musicians, clerks, etc., "such compensation . . . as the regimental courts of enquiry may from time to time think proper."<sup>4</sup>

An "Act for the regulation of the town of Brookville" appointed a board of trustees to serve until their successors should be elected a year later, with power to impose annual taxes not exceeding \$1.50 on any property owner (regardless of what he owned), and not exceeding 75 cents on any citizen "who has no visible property." Property in the town owned by nonresidents could be taxed at its value, "in proportion as the citizens of said town are taxed." The trustees were also authorized to enact and enforce by-laws, some of which indicate the primitive conditions in the "towns" then being formed in the depths of almost unbroken forests. For example, "the trustees of said town shall have full power and authority to enact by-laws to prevent shooting at a mark

<sup>1</sup> *Post*, 386, § 21.

<sup>2</sup> *Post*, 390, § 27.

<sup>3</sup> *Post*, 392-95, § 33.

<sup>4</sup> *Post*, 402, § 40.

or for sport, running or racing horses, within such parts of the streets, alleys, inlots, or within any part of the public square in said town, as the trustees may designate."<sup>1</sup> The same language was contained in the acts afterward passed for the regulation of the towns of Lexington and Salisbury.<sup>2</sup>

The trustees of the town of Brookville were also given "power to keep in good repair the public well in the said town," at the expense of residents on the "high ground" who drew water from it, and to impose penalties for interfering with it.<sup>3</sup>

Notwithstanding the law enacted at the previous session authorizing the general court and circuit courts to grant divorces, three divorces by legislative act were granted at this session: David Barker was divorced from his wife Paulina (née Moshier) "as if the said contract of marriage had never been entered into";<sup>4</sup> Arrabella Davison was divorced from Daniel, and declared "as completely freed from the bonds of matrimony as if she had never contracted them";<sup>5</sup> and Elizabeth Green (née Purcell) was likewise "completely freed from the bonds of matrimony contracted" with her husband, Jonah, because "sufficient evidence has been produced . . . that Jonah Green has abandoned, for some years, his wife . . . and her three children, to penury and want, and has otherwise ill-treated her by words and blows."<sup>6</sup> The causes for which the other two divorces were granted do not appear.

All members of the General Assembly, all administrative and judicial officers, and all attorneys at law in the territory were required to take an oath that they had not given, accepted, or knowingly carried a challenge to fight a duel, and would not do so while in office; a refusal on the part of the first three to take this oath would result in vacating their offices "as if they had resigned," while attorneys who failed to do so could not practice in the

<sup>1</sup> *Post*, 437-38, 440.

<sup>2</sup> *Post*, 441.

<sup>3</sup> *Post*, 458-59.

<sup>4</sup> *Post*, 624, 669.

<sup>5</sup> *Post*, 431.

<sup>6</sup> *Post*, 472-73.

courts.<sup>1</sup> Taking a false oath as to such facts was made punishable as perjury.<sup>2</sup>

The county of Washington was created out of parts of Clark, Harrison, and Jefferson counties, making the total number of counties ten.<sup>3</sup> To take care of the new counties a reapportionment act was passed giving to each of the ten counties a single representative.<sup>4</sup>

An act to prevent malicious prosecutions required that the names of witnesses who should voluntarily appear before the grand jury and procure the return of an indictment should be indorsed on it, making them liable for costs if the court should decide that there was no probable cause for the prosecution.<sup>5</sup>

Distrust of the territorial judges (appointed by the president) and of the local justices is evidenced by a provision that if an exception was taken to the "opinion or judgment" of any court of record upon the hearing of any case, and the court should "refuse to sign said bill of exception," the party might procure it to be "signed by two or more of the by-standers, who are privy to the subject matter of the said bill," and thus make it a part of the record.<sup>6</sup>

The "Act re-organizing the Courts of Justice" contained the provision "that no practising physician shall in future be eligible to act as a judge of the superior or inferior courts of record within this territory," under penalty of \$500, intended perhaps to prevent any conflict between medical and court duties.<sup>7</sup>

This act purported to create three circuits, each to be presided over by one of the territorial judges, with three associates for each county appointed and commissioned by the governor. The judges appointed by the president denied the power of the territorial legislature to intrude upon their jurisdiction, and the law never became fully

<sup>1</sup> *Post*, 442-43.

<sup>2</sup> *Post*, 444, § 6.

<sup>3</sup> *Post*, 446-48.

<sup>4</sup> *Post*, 454-56.

<sup>5</sup> *Post*, 448-49.

<sup>6</sup> *Post*, 457, § 4.

<sup>7</sup> *Post*, 480, § 17.

effective.<sup>1</sup> The members of the legislature had anticipated this difficulty and sought to get around it by asking Congress to pass a law making it the duty of the territorial judges to perform such services as the legislature might require.<sup>2</sup> A bill was introduced in Congress to define more explicitly the duties of the territorial judges, but it failed to pass and its provisions are not known.<sup>3</sup>

Every male person over sixteen years of age, whether white or colored, bond or free, was now made "subject to work on roads and public highways" unless exempted by order of court "on account of their entire disability," parents and masters being held responsible for any "non-attendance of minors, or servants."<sup>4</sup>

At this session the legislature continued the never ending task of combating election frauds. The judges of the circuit courts were to appoint an inspector for each election district who should choose two other inspectors; the inspector appointed must either serve or forfeit \$50.

<sup>1</sup> The court records for the counties of Knox and Warrick show that no courts were held there at the May and August terms in 1814. In Washington County the records show that meetings of the court were held in March, April, and May, 1814, with the associate judges present but no presiding judge. Governor Posey, in his message to the next Assembly, stated: "Some of the courts have been partially organized, and in some counties there has been no court established under the present law, and none of the courts have proceeded to do business considered of any material consequence." *Post*, 475, § 3; Monks, Leander J., Esarey, Logan, and Shockley, Ernest V. (eds.), *Courts and Lawyers of Indiana*, 1:47-49 (Indianapolis, 1916); *Biographical and Historical Souvenir for the Counties of Clark . . . Washington*, 174 (John M. Gresham & Co., Chicago, 1889); *History of Warrick, Spencer and Perry Counties, Indiana . . .*, pt. 1:63 (Goodspeed, publishers, Chicago, 1885); *History of Knox and Daviess Counties, Indiana . . .*, pt. 1:183 (Goodspeed Publishing Co., Chicago, 1886); Esarey (ed.), *Messages and Letters*, 2:657-58.

<sup>2</sup> *Post*, 801-2.

<sup>3</sup> *Annals*, 13 Congress, 1 and 2 sessions, 1123, 1244, 1865, 1877, 2002.

<sup>4</sup> *Post*, 481.

The provision of the federal law passed in 1811, that only free white males over twenty-one years of age who should have resided in the territory a year and have paid a county or territorial tax could vote, was reiterated, with the additional statement that any free white male person having a freehold and residing in the territory could vote for members of the General Assembly and the delegate to Congress.<sup>1</sup> Since these officers were the only elective ones, it is not clear just what was the purpose of this qualifying statement. The territory had no power to widen the suffrage beyond the provisions in the federal law.

Restoration of oral voting was a feature of the law. The poll keepers (clerks) were "to enter the name of all voters in columns under the names of the person or persons for whom they respectively vote." "The manner of voting shall be . . . to approach the bar, in the election room, and . . . in an audible voice . . . to mention by name the person or persons [voted for] . . . and the poll keepers shall enter his vote accordingly, and then he shall withdraw." And "every elector shall vote once, and no more."<sup>2</sup> This provision for oral voting, borrowed from the laws of Kentucky, which continued in force there almost to the beginning of a new century (and as to municipal elections, even beyond that period), was repealed at the first session of the legislature under the newly organized state government, and voting by ballot was substituted.<sup>3</sup>

Penalties were imposed for violating the provision that "no candidate, or other person for him, shall attempt to obtain votes by bribery, or treating with meat or drink," or making a "sham conveyance of land title, or lease of land" to give any person apparent qualifications as a voter.<sup>4</sup>

<sup>1</sup> *Post*, 488-89, §§ 1 and 2.

<sup>2</sup> *Post*, 489-90, §§ 4 and 5.

<sup>3</sup> *Laws of Indiana*, 1816-17, p. 87, § 8.

<sup>4</sup> *Post*, 492, § 9.



There had been no reapportionment of the territory for the election of members of the upper house since 1809. The number of counties had doubled since then and unless a reapportionment were made prior to the election of councilors in August, 1814, half of the territory would be unrepresented in the Council. Governor Posey, believing that the federal law of 1809 under which Governor Harrison had divided the territory into five districts for the election of councilors permitted him to do likewise, made a reapportionment. The Legislative Council protested his action in a resolution to Congress and the committee appointed to consider the matter reported that the law of 1809 was a special act and could not apply after once used. It was the opinion of the committee that the House of Representatives should redistrict the territory and a bill was introduced and passed for that purpose.<sup>1</sup> Governor Posey then called the House of Representatives of the territory to meet in special session on June 1, 1814. A resolution was passed grouping the ten counties into five districts as follows: Knox and Washington, Harrison and Clark, Gibson and War- rick, Franklin and Wayne, Dearborn and Jefferson.<sup>2</sup>

#### SESSION OF 1814—REORGANIZATION OF JUDICIARY

The failure of Congress to act favorably upon the petition asking that the territorial judges be required to submit to the authority of the legislature in putting into effect the act reorganizing the courts of justice caused Governor Posey to call the legislature into session on August 15, 1814, instead of the first Monday in December as provided at the previous session. A bill establishing circuit courts was introduced immediately upon the con-

<sup>1</sup> *Report of the Committee appointed on the Fifth Instant, on the Resolution of the Legislative Council of the Indiana Territory, protesting against the subdivision, by the governor, of that Territory into Election Districts.* February 11, 1814 (Washington, 1814); *Annals*, 13 Congress, 2 session, 2798.

<sup>2</sup> The resolution is printed in the Vincennes *Western Sun*, June 18, 1814.

vening of the legislature and fifteen days later it was approved. This act divided the counties into three circuits, each to be presided over by a circuit judge appointed and commissioned by the governor, to hold office during good behavior, at a salary of \$700 per year. In each county two associate judges, to be appointed in the same manner for like terms, were to assist in holding court and receive "two dollars for each and every day they shall serve in court and no more." The circuit judge and at least one associate judge were required to sit together to "try any criminal offence the punishment whereof shall extend to life, limb or imprisonment for two years." These courts were to have jurisdiction in all criminal matters, and in the extraordinary writs of mandamus, dower, certiorari, partition, view, quo warranto, habeas corpus, error coram nobis, replevin, and ne exeat.<sup>1</sup>

The rules of practice governing courts in the Third District, entered in the Minute Book for the Court of Common Pleas of Franklin County, 1813-14, under date of October 10 and 11, 1814, at a circuit court held in the courthouse of Franklin County, illustrate how the business of the courts was conducted.

"1. Attorneys in managing business shall keep themselves within the Barr.

"2. All motions shall be made in the morning before entering upon the docket, and not afterwards except as necessarily arise.

"3. Not more than one council on each side will be heard in argument upon any motion.

"4. Not more than two councils on each side will be permitted to argue a cause to the jury, except the same shall appear to the court to be of more than ordinary importance.

"5. All motions for continuances and new trials grounded upon fact shall be supported by affidavit and decided without argument.

<sup>1</sup> *Post*, 517 ff.

"6. When a cause is regularly called and postponed by consent of the parties, the same shall not be called again until the docket is gone through; and upon second calling shall not be continued for any ordinary cause of continuance arising posterior to postponement.

"7. No time will be given to draw a plea after cause is called for trial, provided the declaration was on file in sufficient time for putting in plea on the rules.

"8. No agreement of the Barr will be regarded by the court unless the same is on record, or assented to by each party.

"9. Each cause when called in order, must be immediately entered upon for trial, continued, postponed by consent of parties, or placed at foot of docket by plaintiff.

"10. No motion in arrest of judgment or for a new trial will be heard after expiration of three days from rendering of verdict except cause for new trial shall have been discovered after expiration of that period.

"11. In no cause shall more than one attorney be permitted to speak on the closing argument.

"12. Whenever a suit is commenced by a non-resident or by a person resident not a freeholder and no bond is filed in clerk's office at time suit is instituted for costs, the suit shall be dismissed unless bond shall be filed by the last day of the court to which the writ is returnable."

To do away with the confessed "collision and jarring" between the Assembly and the judiciary, Congress was asked to define more specifically the powers and jurisdiction of the judges of the general court.<sup>1</sup> It was pointed out that under the existing law one of the judges was competent to hold a court and decide a principle or point of law, but at the next term, if the other two judges were present they might reverse the decision of the first judge, thus creating confusion. No federal provision had ever been made as to where and when courts were to be held, or in what manner they were to conduct their business.

<sup>1</sup> *Post*, 808-10.

Equally necessary was some definition of the term "common law jurisdiction," used in the Ordinance of 1787. In response to this memorial Congress passed an act setting the time for the meeting of the general court and providing that it be composed of at least two judges.<sup>1</sup>

In the short time remaining before the territory became a state, no clash between the federal judges appointed by the president and the new judges appointed by the governor is known to have occurred. The Constitution of 1816 provided that all laws together with "all rights, suits, actions, prosecutions, recognizances, contracts, and claims," should continue as if no change had taken place in the government.<sup>2</sup> A new act very similar to the territorial one, creating circuit courts similarly constituted, with like powers, to which all matters "civil and criminal . . . depending in the present circuit court, as established by, and under the late territorial government" were expressly transferred, was one of the first acts passed by the legislature of the new state.<sup>3</sup>

In September, 1814, an act was passed by which Posey County was created, embracing the territory between the Wabash River and a line immediately west of Evansville.<sup>4</sup> The latter had been selected as the "seat of justice" of Warrick County only two or three months before by commissioners appointed for that purpose under the general law on the subject. This location probably had been influenced by the promise of a donation of 100 acres of land to the county by Colonel Hugh McGary, which was subsequently made on July 15, 1814. It was now enacted that since Evansville had become precisely in the corner of what must hereafter form Warrick County, the seat of justice should be removed to "fractional section number 7, in township number 7, south of range number 8, west," if Nathaniel Ewing would sell the county 300 acres

<sup>1</sup> *Annals*, 13 Congress, 3 session, 1920-21, reprinted in Kettleborough, *Constitution Making*, 1:60.

<sup>2</sup> Art. 12, §§ 1 and 4.

<sup>3</sup> *Laws of Indiana*, 1816-17, pp. 15-21.

<sup>4</sup> *Post*, 529 ff.



of land off the east end of that section for \$2.00 per acre. This was a place three or four miles up the Ohio River from the present site of Newburgh where a town called Darlington was commenced. However, the organization of Vanderburgh County four years later threw Darlington into the corner of the county as again reduced in size, and removal of the county seat to Boonville was followed by the disappearance of Darlington from the map. The act removing the county seat to Darlington provided that anyone who had purchased lots in Evansville from the county agent might have his purchase money refunded by Warrick County, and that the town site should be reconveyed to Hugh McGary by whom it was donated, and if any purchasers of lots did not apply for the return of their purchase money, it should also "be paid to the said Hugh McGary." Until a courthouse could be erected on the site of Darlington, the courts of Warrick County were to be "held at the house of Daniel Rhoads."<sup>1</sup>

The same act which created Posey County out of the western part of Warrick also provided that Perry County should be formed embracing parts of what are now Spencer and Crawford counties. The counties of Perry and Posey were to have one representative in the territorial legislature.<sup>2</sup>

Switzerland County was formed out of the south end of Dearborn County and a few square miles off the east side of Jefferson; at the same time, Dearborn acquired from Jefferson County a strip of territory west of the old Indian boundary line which was later to become a part of Ripley County.<sup>3</sup> This district embraced territory in which lie the present sites of Sunman, Milan, and Pierceville.

During the previous January, the home of John D. Hay, recorder of Knox County, had been destroyed by fire, and with it all the papers and records of that office

<sup>1</sup> *Post*, 527-29. See also Pence, *Indiana Boundaries*, 32n.

<sup>2</sup> *Post*, 530, § 2, 532, § 9.

<sup>3</sup> *Post*, 538-39, 541-42.



which he kept in his home. To remedy the situation, the first of many acts was passed providing for the restoration of destroyed public records.<sup>1</sup> Benjamin V. Beckes, sheriff of Knox County, had deposited with Hay for safe keeping, some \$200 of the revenue of the county for 1813. This was also lost in the fire and a private act was passed authorizing the court for doing county business to credit Beckes with the amount deposited.<sup>2</sup>

The number of days that any person might be compelled to work on the highways (except in payment of a "land tax") was now reduced from twelve days per year to only five "unless a new road is to be opened," when "no person shall be bound to work more than ten days annually" (without compensation).<sup>3</sup> The number of days of unremunerated labor that each male person (bond or free) over the age of sixteen years might be required to perform each year in opening and repairing roads had until then been limited to twelve days per year, without reference to whether new roads were being opened or old ones repaired.

An act to regulate the practice in chancery cases throws an interesting sidelight on the fees of attorneys at that time by its provision that the costs taxed in favor of a successful litigant in a chancery case should include an attorney's fee of \$5.00, or, if the title to real estate was involved, a fee of \$10.<sup>4</sup>

This session of the legislature lasted from August 15 to September 10, 1814. At its close, a joint resolution was adopted dispensing with the regular session in December of that year.<sup>5</sup>

It was enacted that the ten private acts passed at this

<sup>1</sup> *Post*, 542 ff. An account of the fire appears in the *Vincennes Western Sun*, January 29, 1814.

<sup>2</sup> *Post*, 728-29.

<sup>3</sup> *Post*, 567, § 1; *Revised Laws of Indiana Territory*, 1807, p. 296, § 10; 1808, p. 6 (Philbrick ed., 433, 647); 1811, p. 47; 1813-14, p. 132 (*post*, 248, 481).

<sup>4</sup> *Post*, 583, § 35.

<sup>5</sup> *Post*, 586.

session were to be printed by title only.<sup>1</sup> These included an act supplementary to the act regulating the town of Charlestown, passed at the previous session, and authorizing the trustees of that town to levy and collect a tax of fifty cents annually on each person who had been a resident for six months and owned no taxable property.<sup>2</sup> Incorporation acts were passed for the borough of Vincennes,<sup>3</sup> the Corydon Seminary, the Literary Society of Vevay, and the banks at Vincennes and Madison. The Vevay Literary Society was composed of members who paid a certain amount into a common treasury for the purchase of books. In November, 1814, the society appointed John Francis Dufour to solicit donations.<sup>4</sup>

The Bank of Vincennes and the Farmers' and Mechanics' Bank of Madison were each to have a capital stock of \$500,000; in the Vincennes bank this was divided into 5,000 shares at \$100 each and in the Madison bank, 10,000 shares at \$50 each. Each charter was to continue for twenty years. The amount of debts contracted was not to exceed double the amount of money deposited. Shares to the amount of \$125,000 were to be reserved for the territory, to be subscribed at such times as the legislature might direct, and in turn the territory could draw on the banks for loans or the payment of salaries. As soon as the books of the Vincennes corporation were opened the governor was authorized to subscribe for fifty shares.<sup>5</sup> However, on the same day that the governor signed the two bank acts, he signed a joint resolution "to suspend the subscription for any shares in the Bank of Vincennes, and the Farmers & mechanicks Bank of In-

<sup>1</sup> They are printed in the present volume, 724-63, from the enrolled acts deposited in the office of the Secretary of State, Indiana.

<sup>2</sup> *Post*, 731.

<sup>3</sup> Previous acts incorporating the borough of Vincennes were passed in 1805, 1806, and 1807.

<sup>4</sup> Dufour, Perret, *The Swiss Settlement of Switzerland County, Indiana*, 370 (*Indiana Historical Collections*, vol. 13, Indianapolis, 1925).

<sup>5</sup> *Post*, 747-63.

diana until the further request of the Legislature, any thing in the law incorporating the . . . said Banks . . . to the contrary notwithstanding," and providing that the treasurer should not call for any loans from the banks until ordered to do so by the governor.<sup>1</sup>

No further action was taken concerning the banks at the next session in 1815. Article 10 of the Constitution of 1816 stated "that the Bank at Vincennes, and the Farmers' and Mechanics' Bank of Indiana, at Madison, shall be considered as incorporated Banks, according to the true tenor of the charters granted to said Banks, by the Legislature of the Indiana Territory." The first legislature under the state government made the Vincennes bank the state bank and outlined a system of branch banks. The Madison bank declined to become a branch and continued independently until its suspension in 1822 or 1823 after fulfilling all its obligations. On the other hand, the Vincennes bank became seriously involved in financial difficulties and in the end was declared insolvent.<sup>2</sup>

Another private act provided for incorporating the Lawrenceburg Bridge Company whenever twenty shares at \$50 each were subscribed for building a bridge over Tanner's Creek in the vicinity of Lawrenceburg. The bridge was to be "at least sixteen feet wide of sound and suitable materials, and in all respects adequate for the passage of travellers, horses, cattle, & carriages, with a secure railing on each side at least four feet high." If the requisite number of shares were not subscribed within one year, or the bridge not completed by January, 1818, the act would become null and void. Similarly, it would become inoperative should the bridge be so out of repair for one year as to be unsafe for traveling.<sup>3</sup> At the next session a supplementary act was passed extending the

<sup>1</sup> *Post*, 805-6.

<sup>2</sup> For a detailed account of the later career of these two banks, see Esarey, Logan, *State Banking in Indiana, 1814-1873*, 219-26 (*Indiana University Bulletin*, 10:2, April, 1912).

<sup>3</sup> *Post*, 737-47.

time in which to organize the company, and providing that if the bridge be completed within two years (by December 26, 1817) "no other bridge shall be authorized to be built over said creek, nor any ferry established . . . within one mile of said bridge."<sup>1</sup>

#### SESSION OF 1815—INCORPORATION OF TOWNS

The first act to appear in the volume of laws passed at the last session of the territorial legislature created the county of Jackson out of parts of Washington, Jefferson, and Clark, with Vallonia as the temporary county seat.<sup>2</sup>

The fourth was "An Act to prevent Swindling." It recited the public credit which honest banking had earned for bank notes and bills used as money, and the advantage which "a set of nefarious swindlers" had taken of that fact "by passing similar notes of spurious banks without capital," and made it a public offense, punishable by a fine of three times the amount of the note or bill, besides liability to the holder for its face value, to negotiate any such paper under pretense that it was the "act of any bank, company, secret society, or set of men . . . other than is or are expressed by name, upon the face" of such instrument. Using such notes or bills in making purchases with knowledge of their fictitious character was punishable in the same manner as originally putting them in circulation. Counterfeiting or knowingly attempting to pass counterfeit bank notes was made punishable by not more than fifty, nor less than twenty-five lashes on the bare back, in addition to a fine of three times the amount of the counterfeit notes passed or attempted to be passed.<sup>3</sup>

Forgery and counterfeiting of almost any instrument of writing was made punishable by a fine of three times the sum of which any other person was thereby defrauded or attempted to be defrauded, of which one-half should go to the injured party and the other half to the county.<sup>4</sup>

<sup>1</sup> *Post*, 671.

<sup>2</sup> *Post*, 605 ff.

<sup>3</sup> *Post*, 601 ff.

<sup>4</sup> *Post*, 618-19.

A tax "equal to one half the Territorial tax" was directed to be levied in each county upon "lands, stores and all other objects of taxation," for opening and repairing public roads. The period of compulsory work on the roads, without compensation, was reduced from five days on existing roads and ten days in opening new ones, as fixed the year before, to not "more than two days on the public roads, in each year, unless a new road shall be laid out, and in that case, not more than four, two on the old, and two on the new." This work might be commuted by payment of 62½ cents per day for the required period of work.<sup>1</sup>

Persons who chose might work out the road tax imposed on their property (in summer, only, as directed by the supervisor) at the rate of 62½ cents per day. If road taxes were paid in money, the supervisor might "hire hands, teams and carriages to work on the public roads," at wages not exceeding 75 cents per day for a "hand," \$1.50 per day for a cart team of two horses or two oxen and driver, and \$2.50 per day for a wagon team of four horses or four oxen and driver.<sup>2</sup> Supervisors were to receive \$1.00 per day for the time actually employed. Ministers of the gospel "regularly licensed or ordained by their respective orders" were made exempt from "personal labour" in opening and repairing roads, but not from paying taxes on their property.<sup>3</sup>

The election law of 1811 was declared "in full force," except provisions as to certain duties of the clerks, and so much "as requires tickets to be folded and given in secretly,"<sup>4</sup> which had been superseded by the provision for oral voting.<sup>5</sup>

The jurisdiction of justices of the peace (which since the beginning of the Civil War has extended to suits on contract or in tort involving not more than \$200 in value)<sup>6</sup> was limited in 1815 to actions for conversion or trover

<sup>1</sup> *Post*, 608 ff, §§ 1, 5, 12.

<sup>2</sup> *Post*, 611-12.

<sup>3</sup> *Post*, 613-14, § 8.

<sup>4</sup> *Post*, 620.

<sup>5</sup> *Post* (January 5, 1814), 490, § 5.

<sup>6</sup> *Burns' Annotated Indiana Statutes*, 1926, § 1880.



and otherwise for damages to property not exceeding \$20 in amount, for rent not exceeding \$30, and upon contracts where the sum demanded did not exceed \$40, except in cases where title to land was in question or breach of promise for marriage, which throws a sidelight on the amount in which one might think herself damaged by the breach of such a promise if she would in any event think of suing in a court whose jurisdiction was limited to giving judgment for \$40.<sup>1</sup>

Orange County was formed embracing within its boundaries most of what is now Lawrence and Monroe counties.<sup>2</sup>

A single steamboat having succeeded in coming up the Ohio River, twenty-five days out of New Orleans, the previous summer, the legislature yet took no account of up-river traffic, but enacted only that any ferryman "called upon to land any person or property from any boat passing down the river Ohio" was required "to do the same at the same rate of ferriage . . . authorized . . . for ferrying such person or property across the river."<sup>3</sup>

Flatboats propelled by the current and aided by the "sweeps" or oars used for guiding them were continually drifting past while most of the boats larger than skiffs or bateaux that came up the river were dragged upstream with lines attached to trees along the shore and wound on windlasses or capstans, requiring months for the journey. So it was not strange that in charging ferrymen with the duty to "land any person or property from any boat passing down the river," nothing was said about boats passing upstream.

A single legislative divorce was granted at this session, that of John Daniels from Mary (née Burge). It was provided that "the marriage of the said John Daniels to the woman with whom he now lives, be, and the same is hereby legalized to all intents and purposes";<sup>4</sup> which

<sup>1</sup> *Post*, 627.

<sup>2</sup> *Post*, 650.

<sup>3</sup> *Post*, 643 ff.

<sup>4</sup> *Post*, 655.

legalizing clause no doubt explains why he did not apply to a court for his divorce.

Payment to Daniel French, from the treasury of Harrison County, was authorized for trouble and expense in caring for and burying a traveler from Pennsylvania, named Robert Maffit, who came to his house "without money or property, and was taken with the decay, and lay near three months helpless," before his death.<sup>1</sup>

An act was passed authorizing the incorporation of a company with a capital stock of \$3,000 "for the purpose of erecting a Bridge over Hogan creek, near its junction with the Ohio river" (Bridge Street near the center of Aurora, one square nearer the river than the present bridge), under the name of "The Decatur Bridge Company." Directors were to be chosen by the stockholders annually at an election held in Decatur (now Aurora). Tolls were to be charged at rates fixed by the county court "agreeably to the laws regulating ferries" for a term of ninety-nine years, and no ferry across Hogan Creek was to be established within one mile from this bridge. After thirty years the county was to have the privilege of buying it "at a price not exceeding twenty-five per cent. on the original shares."<sup>2</sup>

Provision was made for the incorporation of the town of Lawrenceburg by action of the free white male resident freeholders, twenty-one years old and upward, who should first vote on "whether it be expedient to enter into

<sup>1</sup> *Post*, 655-56.

<sup>2</sup> *Post*, 660-66. In the *Lexington Western Eagle* for August 12, 1815, Jesse L. Holman advertised a sale of lots to be held at Decatur on September 4, 1815. Among the advantages of the new town are mentioned its situation about seven miles from the mouth of the Great Miami, in a "fertile and populous country, rapidly increasing in improvements," its site on "a commanding eminence, of easy access from the Ohio," and the fact that it was on the nearest route from the settlements of the Whitewater to Vevay and Port William, and also from Cincinnati to Vincennes and St. Louis. Tradition says that Judge Holman changed the name to Aurora to show that his town preceded "the Rising Sun," founded in 1814 nine miles downstream.

a town corporation," and if that question were decided in the affirmative, then to elect a president and recorder as administrative officers. The "freemen," assembled in town meeting, with the president to preserve order and the recorder to register their proceedings, were to constitute the town government, appoint a marshal, enact "by-laws" (ordinances), and levy and collect taxes.<sup>1</sup>

This was the first and only territorial act which committed to a vote of the inhabitants all questions of local municipal government, including the question whether or not they should incorporate. Doubtless the large number of settlers from the New England states who had been attracted to the settlement at Cincinnati and then had drifted twenty miles farther down the river to increase the meager population of Lawrenceburg, had influenced the adoption of a modified town-meeting form of government.

At this same session of 1815, Lexington, Salisbury, Vevay, and Centerville were made municipal corporations. But in each of them the regulating act named certain individuals as trustees who were given all corporate powers, provision being made for the election of new trustees, annually, by the vote of all free white males over twenty-one years of age who had resided in the town six months. This was also the plan that had been followed in incorporating the towns of Jeffersonville, Brookville, and Salem.<sup>2</sup> In Charlestown, trustees named by the legislature had been constituted a corporation with no provision for naming their successors unless in case of the death, resignation, or removal from office of a trustee, when an election was to be "holden by the remaining trustees to supply such vacancy."<sup>3</sup> The fact that Charlestown lay in Clark's Grant, then largely populated by officers and soldiers from Virginia, together with the fact

<sup>1</sup> *Post*, 671 ff.

<sup>2</sup> Jeffersonville, *Revised Laws of Indiana Territory*, 1807, pp. 480-82 (Philbrick ed., 564-66); Brookville, *post*, 437-42 (December 18, 1813); Salem, *post*, 724-27 (September 6, 1814).

<sup>3</sup> *Post* (December 14, 1810), 140-42.

that the town was newly laid out and as yet had few inhabitants, and that the declared purpose of the act was to remove the county seat from Jeffersonville upon compliance with the condition that public buildings be erected at Charlestown within the next eighteen months "free from expence to the county," probably influenced the form of government established there. Three years later, an act to regulate Charlestown named as trustees for the ensuing year five persons other than the original trustees, and authorized the resident "holders of lots in the said town" annually to elect their successors, saying nothing about the race, age, or sex of such lot owners.<sup>1</sup>

The seminary of Vevay was incorporated with the limitation (among others) that it should "not hold more than ten thousand acres of Land at one time." It was empowered to make rules and by-laws, and "to appoint a Teacher or Teachers of such branch or branches of learning, as they may think proper to have taught in said Seminary." Successors to the five trustees originally named by the legislature were to be chosen annually from among those residing in or within four miles from Vevay by majority vote of such men over twenty-one years of age as have "paid one dollar, or who shall hereafter pay five dollars for the benefit of said Seminary," being personally present to cast such votes. There was no provision for voting by female subscribers, and voting by proxy was expressly forbidden. It was provided that "no particular tenets of religion . . . be taught in said Seminary."<sup>2</sup>

A resolution was adopted that whenever a public road along the state line between Ohio and Indiana should be established by law as twenty-five feet wide in Ohio, a further twenty-five feet of width on the Indiana side should be added, which resolution was ordered sent to the governor of Ohio for submission to the Ohio legislature.<sup>3</sup>

<sup>1</sup> *Post* (December 27, 1813), 463-64, §§ 1 and 2.

<sup>2</sup> *Post*, 679-82.

<sup>3</sup> *Post*, 687.



A complaint being made by Colonel John Vawter "that he has not received from the county court of Jefferson county, that justice to which he is entitled" in the allowance made to him "for listing the taxable property of said county," three commissioners residing in that county were appointed by a joint resolution to hear the matter, and if "persuaded, that justice has not been done" him, to "make such additional allowance to said Vawter, as to them may appear just" and issue an order on the county for the amount.<sup>1</sup>

The associate judges of Harrison County were authorized by joint resolution to give Dennis Pennington relief in the matter of "interest, &c." which he had to pay as "the undertaker for erecting the Court House [old State House] in Corydon, in consequence of not receiving the money as contracted to be paid," by awarding him from the county funds such "further allowance, as from a view of the whole circumstance, shall be considered by them equitable and just."<sup>2</sup>

The borough of Vincennes was empowered to levy and collect additional municipal taxes of not more than \$5.00 on each four-wheeled, and \$2.00 on each two-wheeled "Pleasure Carriage"; \$1.00 on each deck of "Sporting Cards"; \$15 on each billiard table; 50 cents on each "Hog, Pig or Shoat, running at large"; \$1.00 on each dog, male or female; \$5.00 on each ball alley; \$5.00 on each horse race run in the borough; and \$10 on each retail store "in proportion to the value thereof."<sup>3</sup>

The territorial legislature was at an end. It met no more. Early the following summer a constitutional convention met at Corydon and prepared a plan for a state government which was accepted by Congress.<sup>4</sup> The state

<sup>1</sup> *Post*, 688-89.

<sup>2</sup> *Post*, 689-90.

<sup>3</sup> *Post*, 690.

<sup>4</sup> The act formally admitting Indiana into the Union was signed by the president on December 11, 1816. The representative to Congress, William Hendricks, took his seat on December 2, and the two senators, James Noble and Waller Taylor, were admitted to their seats on December 12.



legislature, elected in August, 1816, under its provisions, convened on the first Monday of November. Its principal task was to enact legislation putting into operation the machinery of government as set up in the constitution. For the most part, however, the state legislature continued much as the territorial legislature had done, passing special acts applying to single counties, towns, and persons, which practice continued until its abuse led to its prohibition upon the adoption, thirty-five years later, of the constitution under which we now live.

#### PRINTING AND DISTRIBUTION OF THE LAWS

The laws adopted at the first session of the governor and judges of Indiana Territory, 1801, were published "by Authority" at the press of William Hunter, of Frankfort, Kentucky. In 1804 Elihu Stout came from Kentucky to Vincennes to establish the *Indiana Gazette*, and in that year he published the first book printed in the territory, containing the laws for the second, third, and fourth sessions of the governor and judges, held in 1802 and 1803.<sup>1</sup> From that time until the removal of the capital to Corydon, in 1813, Stout served as printer to the territory.

After 1807 session laws were printed in editions of four or five hundred copies, with the number of copies allotted to the counties varying from thirty to forty. Sometimes a special committee had charge of the printing, sometimes supervision was left to the auditor, and sometimes almost entirely to the printer. Under this system, or lack of it, it is not surprising to find some volumes without any index beyond the list of acts published. Attempts to secure the publication of the journals failed in the face of limited funds, the impossibility of securing adequate

<sup>1</sup> The title of this volume, *Laws Adopted by the Governor and Judges of the Indiana Territory, at their Second and Third Sessions, Begun and Held at Saint Vincennes, 30th January, 1802, & February 16th, 1803*, does not indicate the fact that the laws of the fourth session were also included.

supplies of paper, and the time necessary for the printing of the laws themselves. In the January 5 issue of the *Western Sun* for 1811, Stout announced that "from the impossibility of procuring assistance, the Editor is under the painful necessity of informing his readers, that until he can finish the printing of the laws, the *Western Sun* will only be printed once in two weeks."

The Assembly of 1810 made a distinction between public and private acts, a distinction which had not been observed in the earlier territorial legislation, by providing that "the committee appointed to superintend the printing of the laws of the territory shall not allow any part of any private act to be printed at the expence of the territory other than the title of such act."<sup>1</sup> This provision was violated in one instance.<sup>2</sup> The Assembly of 1811 reverted to the earlier practice of printing both public and private acts. The distinction was reestablished by the Assembly of 1814, which provided that it was unnecessary to print "any act containing a charter of incorporation, or any act, the object of which is local and confined to any particular, company, town or county, or for the relief of any particular person or persons, or officer or officers, whatsoever," but the titles of all local and special acts, with the date of approval, were to be printed in a special list under the heading of "local and private acts."<sup>3</sup> This was repealed at the next session.<sup>4</sup>

These short-lived distinctions are noteworthy as attempts of the territorial Assembly to differentiate provisions for particular individuals or localities from general legislation. Under the Constitution of 1816 the Assembly continued to pass private, special, and local acts. These were usually printed separately from the general laws. The courts distinguished between public

<sup>1</sup> *Post*, 169.

<sup>2</sup> The act incorporating the Indiana Church is listed by title and then printed at the end of the public acts. *Post*, 120, and 192-94.

<sup>3</sup> *Post*, 587. The list was actually printed under the title, "A List of Private Acts."

<sup>4</sup> *Post*, 691.

acts and private acts: they took notice of public acts without their contents being pleaded; they did not take cognizance of private acts unless their contents were specifically set out in pleading.<sup>1</sup> The Constitution of 1851 prohibited the passing of local or special laws in a long list of subjects embracing most of the cases in which the earlier assemblies had passed such legislation.

<sup>1</sup> *Levy v. The State*, 6 Indiana, 281-85; *West v. Blake*, 4 Blackford, 234-38; *Vance v. Farmers' and Mechanics' Bank of Indiana*, 1 Blackford, 79-81; *Brookville Insurance Company v. Records*, 5 Blackford, 170; *Ohio and Indianapolis Railroad Company v. Ridge*, 5 Blackford, 78; *The State v. Graeter*, 6 Blackford, 105-6.



LAWS OF INDIANA TERRITORY





# A C T S

OF  
ASSEMBLY  
OF THE  
INDIANA TERRITORY.

PASSED  
AT THE  
FIRST SESSION  
OF THE  
THIRD GENERAL ASSEMBLY  
OF THE  
SAID TERRITORY,

Begun and held at the BOROUGH of VINCENNES, on  
MONDAY the twelfth day of NOVEMBER, A. D.  
one thousand eight hundred and ten.

— : \* : \* : —

*Printed by Authority, and under the Inspection of the  
Committee.*

— : \* : \* : —

VINCENNES,  
PRINTED BY ELIHU STOUT,  
Printer to the Territory.

— : \* : —

1810.

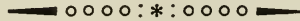


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# AN ORDINANCE

FOR THE  
GOVERNMENT  
OF THE  
TERRITORY  
OF THE  
*UNITED STATES NORTH-WEST*  
OF THE  
*RIVER OHIO.*



**B**E it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress make it expedient.

*Be it ordained by the authority aforesaid,* That the estates both of resident and non resident proprietors in the said territory dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand child, to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain

in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed & sealed by him or her in whom the estate may be (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyance be acknowledged, or the execution thereof duly pro-

## ( 4 )

ved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers, of the Kaskaskies, Saint Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

*Be it ordained by the authority aforesaid,* That there shall be appointed from time to time by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district, and have a freehold estate therein in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office: it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time;



which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers not herein otherwise directed, shall, during the continuance of this temporary government be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions

( 5 )

thereof: and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: Provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: *Provided also*, That a freehold in fifty acres of land in the district, having been a citizen

of one of the states, and being resident in the district, or the like freehold, and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: And the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid for each vacancy, and return their names to Congress; one of whom, Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not re-

## ( 6 )

pugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor be-

fore the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishments of states, and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original states, at as early periods, as may be consistent with the general interest.

*It is hereby ordained and declared, by the authority aforesaid* That the following articles shall be considered as articles of compact between the original states, and the people and states, in the said territory, and forever remain unalterable, unless by common consent, to wit:

#### ARTICLE I.

No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

#### ARTICLE II.

The inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever

( 7 )

interfere with, or affect private contracts or engagements, bona fide, and without fraud previously formed.

## ARTICLE III.

Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education, shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

## ARTICLE IV.

The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers, in the said territory, shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Laurence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

## ARTICLE V.

There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory, shall be bounded by the Mississippi,



the Ohio and Wabash rivers; and a direct line drawn from the Wabash and Post Vincennes due north to the territorial line between the United States and Canada; and by the said territorial line to the lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the

( 8 )

Wabash from Post Vincennes to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said states, shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original states, in all respects whatever: and shall be at liberty to form a permanent constitution and state government: Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

ARTICLE VI.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid.

Done by the United States, in Congress assembled, the thirtieth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.

WILLM. GRAYSON, *Chairman.*

CHARLES THOMSON, *Secretary.*



ACTS  
OF CONGRESS  
ALTERING, OR IN ANY WAY AFFECTING  
THE ORDINANCE.

— : o o o \* o o o : —

AN ACT to provide for the Government of the Territory Northwest of the River Ohio.

WHEREAS in order that the ordinance of the United States in Congress assembled, for the government of the territory northwest of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present constitution of the United States:

Sec. 1. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which by the said ordinance, any information is to be given, or communication made by the governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said governor to give such information and to make such communication to the President of the United States; and the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed, shall be commissioned by him; and in all cases where the United States in Congress assembled, might by the said ordinance, revoke any commission or remove from any office, the president is hereby declared to have the same powers of revocation and removal.

Sec. 2. And be it further enacted, That in case of the death, removal, resignation, or necessary absence of the governor of the said territory, the secretary thereof shall be, and he is hereby authorised and required to execute all the powers, and perform all the duties of the governor, during the vacancy occasioned by the removal, resignation or necessary absence of the said governor.

Approved, August 7th, 1789.

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AN ACT to divide the Territory of the United States north-west of the Ohio, into two separate governments.

Sec. 1. BE it enacted by the Senate and House of Representatives

B

( 10 )

of the United States of America, in Congress assembled, That from and after the fourth day of July next, all that part of the territory of the United States north-west of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky river, and running thence to fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada, shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.

Sec. 2. *And be it further enacted*, That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States north-west of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages granted and secured to the people by the said ordinance.

Sec. 3. *And be it further enacted*, That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the territory of the United States north-west of the river Ohio; And the duties and emoluments of Superintendent of Indian affairs shall be united with those of governor: *Provided*, That the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorised; and their commissions shall continue in force until the end of the next session of Congress.

Sec. 4. *And be it further enacted*, That so much of the ordinance for the government of the territory of the United States north-west of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the

wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, That until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty-one years and upwards, which they may respectively contain.

Sec. 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the territory of the United States north-west of the Ohio river, further than to prohibit the exercise thereof within the In-

( 11 )

diana territory, from and after the aforesaid fourth day of July next; *Provided*, That whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, and running thence due north to the territorial line between the United States and Canada, shall be erected into an independent state, and admitted into the Union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; any thing in this act contained to the contrary notwithstanding.

Sec. 6. *And be it further enacted*, That until it shall be otherwise ordered by the legislatures of the said territories respectively, Chilicothe, on Scioto river, shall be the seat of the government of the territory of the United States north-west of the Ohio river; and that Saint Vincennes, on the Wabash river, shall be the seat of the government for the Indiana territory.

Approved, May 7th, A. D. 1800.

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*Extract of "AN ACT to enable the people of the Eastern division of the territory north west of the river Ohio to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes.*

"Sec. 3. *And be it further enacted*, That all that part of the territory of the United States, north-west of the river Ohio, heretofore included in the eastern division of said territory, and not

included within the boundary herein prescribed for the said state, is hereby attached to, and made a part of the Indiana territory, from and after the formation of the said state, subject nevertheless to be hereafter disposed of by congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects whatever, with all other citizens residing within the Indiana territory."

Approved, April 30, 1802.

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AN ACT to extend jurisdiction in certain cases, to the Territorial courts.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the superior courts of the several territories of the United States, in which a district court has not been established by law, shall in all cases in which the United States are concerned, have and exercise, within their respec-

( 12 )

tive territories, the same jurisdiction and powers which are by law given to, or may be exercised by the district court of Kentucky district; and writs of error and appeals shall lie, from decisions thereon, to the supreme court, for the same causes, and under the same regulations, as from the said district court of Kentucky district.

Approved, March 3, 1805.

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Extract of "AN ACT to divide the Indiana territory into two separate governments.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the thirtieth day of June next, all that part of the Indiana territory, which lies north of a line drawn east from the southerly bend or extreme of lake Michigan, until it shall intersect lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall, for the purpose of temporary government, constitute a separate territory, and be called Michigan.

Sec. 4. *And be it further enacted*, That nothing in this act contained, shall be construed so as, in any manner, to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the said territory of Michigan, from and after the aforesaid thirtieth day of June next.

Sec. 5. *And be it further enacted*, That all suits, process, and proceeding, which, on the thirtieth day of June next, shall be pending in the court of any county, which shall be included within the said territory of Michigan; and also all suits, process, and proceedings, which on the said thirtieth day of June next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the territory of Michigan aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided.

Approved, January 11, 1805.

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*AN ACT extending the right of suffrage in the Indiana territory.*

*BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That every free white male person in the Indiana territory, above the age of twenty-one years, having been a citizen of the United States, and resident in the said territory, one year next preceding an election of representatives,

( 13 )

and who has a legal or equitable title to a tract of land of the quantity of fifty acres, or who may become the purchaser from the United States of a tract of land of the quantity of fifty acres, or who holds in his own right a town lot of the value of one hundred dollars, shall be entitled to vote for representatives to the general assembly of said territory.

Approved, February 26, 1808.

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*Extract of "AN ACT for dividing the Indiana territory into two separate governments.*

*BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the first day of March next, all that part of the Indiana ter-



ritory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate territory, and be called Illinois.

Sec. 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the Illinois territory, from and after the aforesaid first day of March next.

Sec. 6. *And be it further enacted*, That all suits, process and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said territory of Illinois, and also all suits, process and proceedings, which, on the said first day of March next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the territory of Illinois aforesaid, shall in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided

Sec. 7. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent the collection of taxes which may, on the first day of March next, be due to the Indiana territory on lands lying in the said territory of Illinois.

Approved, February 3, 1809.

ACTS  
OF THE  
INDIANA TERRITORY.



CHAPTER I.

AN ACT for the relief of Messrs. Daniel Fetter, James Hughes and Salmon Fuller.—(Private.)

Approved—22d November, 1810.

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CHAPTER II.

AN ACT for the division of Dearborn and Clark counties, and for the formation of a new county out of the said two counties.

Formation.

Boundaries.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That all that part of the counties of Clark and Dearborn, included within the following bounds, viz. "Beginning at the mouth of Log Lick creek, on the bank of the river Ohio, thence to the corner of sections five and eight, town four, range three, thence north to the Indian boundary line, thence with the same westwardly to a point opposite the north-east corner of Clark's grant, thence on a direct line to the said corner of the said grant, thence a direct line to the Ohio river at the lower line of town two, north, range ten, east, thence up the Ohio river with the meanders thereof to the beginning," shall compose one new county, called and known by the name of Jefferson.

Name.

## ( 15 )

§ 2. *And be it further enacted*, That it shall be lawful for the coroners, sheriffs, constables and collectors of the said counties of Clark and Dearborn to make distress for all dues and officers fees unpaid by the inhabitants within the bounds of the said new county at the time such division shall take place, and they shall be accountable in like manner as if this act had not been passed, and the courts of Clark and Dearborn counties shall have jurisdiction in all actions and suits pending therein at the time of said division, and they shall try and determine the same, issue process, and award execution thereon.

Former officers to collect fees and taxes.

Courts to proceed in suits now depending.

§ 3. *And be it further enacted*, That the seat of justice in and for said county shall be and the same is hereby established in the town of Madison, in town two, north, range ten, east.

Seat of justice.

§ 4. *And be it further enacted*, That this act shall commence and be in force from and after the first day of February, one thousand eight hundred and eleven.

Commencement.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—November 23, 1810.

WILLIAM HENRY HARRISON.

## ( 16 )

## CHAPTER III.

AN ACT *authorising a Lottery for the benefit of the Vincennes Library.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same*, That the president and directors of the Vincennes Library, in this territory, be, and they are hereby authorised and

Lottery authorised.

empowered, for, and on behalf, and for the sole use and benefit of the said Library, to raise by a lottery in such classes, and from time to time as they may deem most proper, a sum not exceeding one thousand dollars; the said president and directors shall be managers for raising as aforesaid the said sum, and as such, shall each give bond and security in the sum of two hundred dollars, to the governor for the time being, conditioned for the faithful discharge of their duty, which said security shall be approved of by the secretary of the territory, and the said bonds shall be filed by him in his office. The president and directors, as managers, shall have power to adopt such scheme or schemes as they may think most expedient, to sell the tickets to raise the said sum, to superintend the drawing, and the payment of the prizes of the same.

Raise 1000 Managers.  
Give bond in what sum & where lodg'd  
Managers to adopt the scheme.

( 17 )

This act shall be in force from the passage thereof.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—November 23, 1810.  
WILLIAM HENRY HARRISON.

Commence-ment.

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CHAPTER IV.

AN ACT for the relief of General Washington Johnston.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That General Washington Johnston be, and he is hereby allowed the sum of thirty-four dollars out of any money in the territorial treasury, for his trouble, services and expenditures in contracting for, making an index, and attending to the printing of

Allowance & for what.

the acts passed by the Legislature of this territory, at their session of eighteen hundred and eight; and that the Auditor of

C

( 18 )

public accounts shall audit, and the territorial treasurer pay the same accordingly.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—November 23, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER V.

A RESOLUTION to adjourn the court of Common Pleas of Knox county.

RESOLVED by the Legislative Council and House of Representatives, That the court of Common Pleas for Knox county, which is by law to be holden on the last Monday in November, eighteen hundred and ten, be, and the same is adjourned by the authority hereof to the first Monday in January next, and that all suits, pleas and complaints now pending in said court shall stand adjourned over to said time; and that all writs and process which may have been, or may hereafter be issued out of said court shall be returnable to the said first day of January next.

Court ad-  
journed and  
to what pe-  
riod.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—November 23, 1810.

WILLIAM HENRY HARRISON.



( 19 )

## CHAPTER VI.

AN ACT for the formation of two new counties out of the counties of Dearborn and Clark.

Time of formation.

Formation & boundaries of both counties.

§ 1. *BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same, That from and after the first day of February, one thousand eight hundred and eleven, all that part of Dearborn and Clark counties which is included in the following boundaries, shall form and constitute two new counties, that is to say—“Beginning at the corner of townships number 7 and 8, on the line of the state of Ohio, thence north, until the same arrives at fort Recovery, thence, from fort Recovery southwardly, with the line of the western boundary of the purchase made at fort Wayne, in the year one thousand eight hundred and nine, until the same intersects the line of the northern boundary of the purchase made at Grouseland, thence northwardly, with the line of the last mentioned purchase until the same arrives at a point from which a due east and west line will strike the corner of town seven and eight on the aforesaid state of Ohio line”*

Formation & boundaries of each county.

§ 2. *Be it further enacted, That the tract of country included within the aforesaid boundaries, be, and the same is hereby divided into two separate and distinct counties by a line beginning at the corner of townships number eleven and twelve, on the line of the state of Ohio, and from thence due west, until the same intersects the line of the western boundary of the before mentioned*

( 20 )

purchase of fort Wayne, and that from and after the first day of February, one thousand eight hundred and eleven, the tract of country falling within the southern division thereof shall be known and designated by the

name and style of the county of Franklin; and the northern division thereof shall be known and designated by the name and style of the county of Wayne; that the said counties shall severally enjoy all the rights, privileges and jurisdictions which to separate counties of this territory, do, or may properly appertain and belong; *Provided always*, That all suits, pleas, complaints, actions and proceedings which may be before the first day of February, one thousand eight hundred and eleven, have been commenced, instituted and depending within the now counties of Dearborn and Clark, shall be prosecuted to final judgment and effect in the same manner as if this act had never been passed; *And provided also*, That the territorial and county levies or taxes which are now due within the bounds of the said new counties, shall be collected and paid in the same manner, and by the same officers as they would have been if the creation of the said new counties had not taken place.

Emunities.

Suits now depending where tried.

Taxes now due where paid.

§ 3. *Be it further enacted*, That for the purpose of fixing the permanent seat of justice in and for the county of Franklin, James Adair, David Hoover and Elijah Sparks, be, and they are hereby appointed commissioners, whose duty it shall be to convene at the town of Brooksville in the said county of Franklin, on or before the first Monday in May next, and being first duly sworn to

Commissioners for fixing seat of justice.

Their duty.

( 21 )

discharge the duties enjoined on them by this act without favour, affection or partiality, before some justice of the peace of said county, legally commissioned, shall proceed to fix in the most convenient and eligible place for the permanent seat of justice for the same.

§ 4. *Be it further enacted*, That so soon as the place for holding the courts for said county shall be established agreeably to the requisition of the above section, the judges of the courts of Common Pleas for the said county shall immediately proceed to erect the necessary public

When seat fixed judges to cause public buildings.

buildings for the same at such place in the same manner as is required by law in respect to other counties, and after the public buildings are so erected, the court of said county shall adjourn to the said place at their next term after the same shall be completed, which shall be, and is hereby declared to be the permanent seat of justice for the said county of Franklin.

Then court  
to sit there.

Commission-  
ers to fix  
seat of jus-  
tice,

Their duty.

§ 5. *And be it further enacted*, That for the purpose of fixing a permanent seat of justice in and for the county of Wayne, John Cox, George Holman and John Addenton, gentlemen, be, and they are hereby appointed commissioners, whose duty it shall be to convene at the house of Richard Rue in the said county of Wayne, on or before the first Monday in May next, and being first duly sworn to discharge the duty enjoined on them by this act without favour, affection or partiality, before some justice of the peace of said county, legally commissioned, shall proceed to fix on the most convenient and eligible place for the seat of jus-

( 22 )

tice for the said county of Wayne; *Provided nevertheless*, That the same shall not be fixed further north than the lines dividing the thirteenth and fourteenth townships.

Court to  
cause build-  
ings.

§ 6. *Be it further enacted*, That so soon as the place for holding the courts for said county shall be established agreeably to the requisition of the foregoing section, the judges of the court of Common Pleas for the said county shall immediately proceed to erect the necessary public buildings for the same at such place in the same manner as is required by law in respect to other counties, and after the public buildings are so erected the court of the said county shall adjourn to the said place at their next term after the same shall have been completed, which shall be, and is hereby declared to be the permanent seat of justice for the said county of Wayne.

Then court  
to sit there.

§ 7. *Be it further enacted*, That in case of the death or refusal to act of any of the persons herein appointed

for the purposes aforesaid, it shall be the duty of the courts of Common Pleas of the counties respectively, where such vacancy shall happen, to supply the same by appointment of such person or persons as they may think best qualified to discharge the said duty, and the person or persons so appointed, shall take the same oath, and in all respects perform the same duty required by the commissioners herein by this act appointed.

Vacancy in commissioners how supplied.

Their duty.

§ 8. *And be it further enacted*, That until the commissioners of the said two counties shall fix the seat of justice in each county, the courts shall be held at the house of

courts where to sit until buildings made.

( 23 )

Richard Rue for the county of Wayne, and at the town of Brooksville, for the county of Franklin.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—November 27, 1810.

WILLIAM HENRY HARRISON.

CHAPTER VII.

AN ACT to amend an act entitled "An act regulating Notaries Public."

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That from and after the passage hereof any and every notary public within this territory shall and may take and certify the acknowledgment of powers of attorney, mortgages, deeds, and other instruments of writing, accompanied with or without the release and assignment of dower, as fully in every re-

Notaries may certify acknowledgements.

spect, as any Judge of the General court, or court of Common Pleas, or Justice of the Peace, may or can now do, any law, usage or custom to the contrary thereof, in any wise notwithstanding, for which he shall receive the same com-

( 24 )

Fees.           pensation as is by law allowed to Justices of the Peace for the like services.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—November 27, 1810.

WILLIAM HENRY HARRISON.

CHAPTER VIII.

AN ACT *making certain specific appropriations.*

Specific ap-   § 1. BE *it enacted by the Legislative Council and*  
propriations   *House of Representatives, and it is hereby enacted by*  
                    *the authority of the same, That the territorial auditor*  
How paid.     *be, and he is hereby directed to audit, and the treasurer*  
                    *to pay out of any money in the treasury, to the follow-*  
                    *ing persons for their services the following sums of*  
                    *money, to wit:—*

To whom       To Solomon Manwarring, a member of the Legislative  
made.          Council, for the county of Dearborn, at the last session  
                    of the Legislature of this territory, for coming from, at-  
                    tending upon, and returning home, and milage, the sum  
                    of forty-four dollars.

To Thomas Downs, a member for Clark county, for  
similar services and milage, the sum of twenty-eight dol-  
lars.



To Harvey Heth, a member for Harrison county, for similar services and milage, the sum of twenty-five dollars.

## ( 25 )

To William Prince, a member for Knox county, for similar services, the sum of twelve dollars. To whom made.

To Luke Decker, a member for Knox, for similar services and milage, the sum of twelve dollars.

To James Noble, for his services as Clerk to the Legislative Council at the same session, and stationery furnished by him for the use of the said Council, the sum of fifteen dollars.

To Ephraim Overman, a member to the House of Representatives at the said session from the county of Dearborn, and milage, the sum of forty-eight dollars.

To Richard Rue, as a member from the same county, for similar services, the sum of forty-eight dollars.

To James Beggs, as a member from Clark county, for similar services, the sum of twenty-eight dollars.

To John Work, as a member from the same county, for similar services, the sum of twenty-eight dollars.

To Moses Hoggatt, as a member from Harrison county, for similar services, the sum of twenty-five dollars.

To John Johnson, as a member from Knox, for similar services, the sum of twelve dollars.

To General W. Johnston, as a member from the same county, for his services the sum of twelve dollars.

To John Caldwell, for his services as Clerk to the House at the said session, the sum of ten dollars and fifty cents.

## D

## ( 26 )

To Samuel Hayes, as Door-Keeper to both Houses at the said session, the sum of nine dollars. To whom made.

To William Jones, for his services as Clerk to the House at the said session, and stationery furnished by

him for the use of the House, the sum of eleven dollars and fifty cents.

To Henry Hurst, as Clerk to the Legislative Council for two days at said session, the sum of seven dollars.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 1, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER IX.

### AN ACT for the revival of suits and actions.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same That whenever and hereafter any suit or action in any court of record within the Indiana territory shall abate by the death of the plaintiff or plaintiffs, it shall and may be lawful for the heirs, executors or administrators, or either of them, to revive the said suit or action, by issuing a *scire facias* to the defendant to shew cause why the said suit or action should not be revived; and if any

When suit abates by death of deft may be revived by scire facias.

( 27 )

If before declaration it may be filed vs. rep.

suit or action should have abated before declaration filed, then, and in that case, it shall be lawful for the heirs, executors or administrators, as the case may be, to file his, her or their declaration in the same manner as if the suit had been commenced in his or their proper names, as representatives of the deceased, and judgment shall be given accordingly.

P. (27), l. 4. The enrolled act reads, "in his her or their proper names in the same manner as if."—ED.

§ 2. *Be it further enacted*, That whenever a suit or action shall abate by the death of the defendant or defendants, it shall be lawful for the plaintiffs to issue a *scire facias* to the heirs, executors or administrators, or either of them, as the case may be, to shew cause why the suit should not be revived; and it shall be lawful for his, her, or their executors or administrators, as the case may be, to appear and plead in their proper character, or as representatives, and judgment shall be given as if the suit had been originally commenced against them; and in case there are no representatives of the defendant within the jurisdiction of the court, then and in that case, the plaintiff upon the return of the *scire facias*, by the proper officer if not found in his bailiwick, may take judgment, subject however to be opened by either the heirs, executors, or administrators, at any time within two years, to admit any setts-off, or equitable defence which they may have; *Provided nevertheless*, That in no case shall any action of slander, or assault and battery be revived.

Judgt. on sci. fa. shall go vs. rep. in official character.

If no rep. in terry. judgt. may still be had subject to be opened in 2 years.

Slander & assault & battery not revivable.

( 28 )

This act shall be in force from the passage thereof.

Commencement.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 3, 1810.

WILLIAM HENRY HARRISON.

§ 2, l. 9. In the enrolled act the word "as" between the words "or" and "representatives" is omitted.—Ed.

## CHAPTER X.

AN ACT to amend an act entitled "An act regulating the admission and practice of Attornies and Counsellors at law and for other purposes.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That from and after the passage of this act no person shall be permitted to practice as attorney, or counsellor at law, or to commence, conduct or defend any action, suit or plaint, in which he is not a party concerned, in any court of record, or not of record, within the territory, either by using or subscribing his own name, or the name of any other person, or as an attorney in fact, special agent, or *amicus curiæ*, who is not a citizen thereof, and actually resident within this territory; *Provided*, That all Attorneys at law residing in any of the adjacent states or territories who have heretofore been admitted to practice within this territory may be

No person to practice as an atorny. who is not a residt. citizen.

Except to finish suits.

( 29 )

permitted to finish their unfinished business already commenced in the courts in which they have heretofore practiced as such Attorneys and Counsellors at law.

§ 2. *Be it further enacted*, That if any person or persons, not being a citizen or citizens of this territory, shall directly or indirectly practice, or attempt to practice, as a Counsellor or Attorney at law, in any of the courts mentioned in the foregoing section, either with or without a fee, he or they so offending, shall be fined in the sum of five hundred dollars, one half to the use of the county in which the offence is committed, and the other half to the use of the person prosecuting; to be recovered by action of debt or indictment, in any court having cognizance thereof.

Non-residit. atrny. practicing finable.

How much.

To what use & how recovered.

§ 3. *And be it further enacted,* That if any person or persons, with intent to evade this law, shall assign over to any non-resident Attorney, any bill, note, bond or specialty, open account, debt, right of action in any case whatever, such person or persons, so making assignments in the cases above specified, or any other whereby he may have a right of action, shall forfeit all his right, title or claim whatever in all the cases above mentioned to the use of the county where such action or actions may be brought, and the attorney receiving such assignment, shall forfeit the sum of five hundred dollars, to be recovered and applied as is provided in the second section of this act.

Assigned suits to enable non-residents to appear forfeited to county

Andatto. finable how much, to what use & how recov'd.

§ 4. *Be it further enacted,* That it shall be the duty of the courts respectively within this territory to see that this law is carried

Courts to carry law into effect.

( 30 )

into complete effect, and any court failing herein, shall, on conviction thereof, by indictment or information, be fined in the sum of five hundred dollars, to be applied as is directed in the foregoing section hereof.

Failing fined how much, how recov'd. and to what use.

§ 5. *Be it further enacted,* That it shall be the duty of the governor to appoint some person legally licensed to practice as an Attorney or Counsellor at law in this territory as prosecuting Attorney in the superior and inferior courts in the respective counties, who shall receive in addition to the fees now allowed by law, such compensation as the courts in their discretion may allow, to be paid by the county.

Govr. to appoint prosecuting attorneys in the several counties.

Their fees & compensation.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAs. BEGGS,

*President of the Legislative Council.*

Approved—December 4, 1810.

WILLIAM HENRY HARRISON.



CHAPTER XI.

AN ACT to amend an act entitled "*An act regulating the duties of Sheriffs, and for other purposes.*"

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That from and after the passing hereof, the high, or principal Sheriff of any and every county within this territory, shall be entitled to demand and have, take and pursue

High sheriffs remedy against deputy.

( 31 )

the same steps, and summary mode of proceeding against their several deputies as is now provided against the high, or principal Sheriff, for a failure of duty, or withholding of money.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 4, 1810.

WILLIAM HENRY HARRISON.

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CHAPTER XII.

AN ACT to legalize the marriage of William Smith.—(Private.)

Approved—4th December, 1810.

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CHAPTER XIII.

AN ACT to amend the act entitled "*An act for organizing a court of Chancery.*"

§ 1. BE it enacted by the Legislative Council and House of Representatives and it is hereby enacted by

*the authority of the same,* That the Clerk of the said court of Chancery, be, and he is hereby authorised to ask, demand, take and receive from suitors in the said court, such fees for similar services, as are now, or may hereafter be allowed by law to the Clerk of the General court of this territory; and that the said fees

Clerk's fees  
what.

( 32 )

be collected in the same manner as fees are now collected in the said General court.

And how  
collected.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 4, 1810.

WILLIAM HENRY HARRISON.

#### CHAPTER XIV.

AN ACT *for the relief of the officers concerned in the contested elections of Knox county, in the year eighteen hundred and ten.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That Newton E. Westfall be, and he is hereby allowed the sum of thirty-two dollars and thirty-two cents, for his services in summoning the Judges and witnesses in the contested elections of General W. Johnston and John Caldwell, members in the House of Representatives for the county of Knox.

Allowance to  
whom & for  
what.

To Luke Decker, and George Leech, each the sum of eight dollars for their services as Judges of the examining court in the said contested elections.

To William Prince, the sum of eighteen dollars for his services as Clerk to the said examining court.

How paid.

And the territorial auditor is hereby directed to audit, and the treasurer to pay the same accordingly, out of any monies in the treasury not otherwise appropriated.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 5, 1810.

WILLIAM HENRY HARRISON.

CHAPTER XV.

AN ACT to incorporate the Indiana Church.—(Private.)

Approved—7th December, 1810.

CHAPTER XVI.

AN ACT to amend an act entitled "An act subjecting real estates to execution for debt."

Reason of the act.

WHEREAS, doubts have been suggested whether under the above act, real estates are now subject to execution upon judgment against executors or administrators; to quiet which doubts, and as it appears just and equitable that such should be the case, therefore,

§ 1. Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the

E

( 34 )

*same*, That from and after the passage hereof, all lands, tenements and hereditaments, whether in possession, remainder or reversion, whereof any person or persons may die seized or possessed, shall be subject to the judgment, and may be sold upon execution obtained and issued against the executor or executors, administrator or administrators of such deceased person or persons, any law to the contrary thereof, in any wise notwithstanding.

Lands subject to exon. in hands of executor or administrator.

§ 2. *Be it further enacted*, That when any debt is hereafter recovered, and damages awarded, or where any debt is acknowledged before such as have, or shall have power to take cognizance thereof, and executions awarded thereupon, to be levied upon the lands, tenements or hereditaments of any person or persons whatsoever, it shall not be lawful for any sheriff or other officer, by virtue of such execution, or of any writ or writs thereupon, to sell or expose to sale any such lands, tenements or hereditaments in this territory, which shall or may yield yearly rents and profits, beyond all reprisals, sufficient within the space of seven years, to pay or satisfy such debt or damages, with costs of suit; but that all those lands, tenements and hereditaments shall, by virtue of the writ or writs of execution, be delivered to the party obtaining the same, until the debt or damages be levied by a reasonable extent, in the same manner and method as lands are delivered upon writs of *eligit* in England; *Provided nevertheless*, That if the clear profits of such lands or tenements shall not be found by inquest of twelve men to be

Not to be sold if they will pay debt by being rented.

In what manner ascertained.

( 35 )

sufficient within seven years to satisfy the debt or damages in such execution, or if before the extent be out, any other debts or damages shall be recovered against the same debtor or defendant, his executor or administrator, which, with what remains due upon such extent cannot all be satisfied out of the yearly profits of the

lands or tenements so extended within seven years, then, and in every such case, the sheriff or other officer shall accordingly certify the same upon the return of such execution, whereupon a writ or writs of *venditioni exponas* shall issue forth to sell such lands and tenements, for, and towards satisfaction of what shall remain due upon such extent, as also towards satisfaction of all the rest of the said debts or damages, in the manner as is directed by the act to which this is an amendment.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 7, 1810.

WILLIAM HENRY HARRISON.

CHAPTER XVII.

AN ACT to incorporate the New Hope Baptist church on Deer creek, in the county of Dearborn.—(Private.)

Approved—7th December, 1810.

( 36 )

CHAPTER XVIII.

AN ACT to amend an act entitled "An act to authorise the proprietors of lands in the lower prairie to inclose the same" and the "Act supplementary thereto."

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That in all or any place or places where the fence which now incloses the said prairie, is not now conformable to the aforesaid acts, it shall and may be lawful for the Syndic, at any time hereafter, to cause such part or parts to be repaired and made

Rents found not sufficient then sold, & how proceeds applied

Fence to be renewed and repaired.



conformable to the said acts; to effect which, and for keeping the said fence or inclosure in repair, the land for which the fence may be necessary to be made or repaired, shall, and it is hereby made liable, where a sufficiency of personal estate cannot be found, whether in the hands of the proprietor or lessee, to judgment, execution and sale.

Land liable for expences.

§ 2. *Be it further enacted*, That it shall and may be lawful for any cultivating proprietor or lessee in the said field, to take up and secure trespassing animals, if to be caught by him, but if not, then he may have and sustain his action before any magistrate in the county for damages against the owner or owners of such animal or animals; and where the same are so caught, it shall be the duty of the taker up, in case the owner thereof can be found, to give him notice, either verbal or written; but if such owner should not be within the neighborhood, then the taker up shall advertise at the court house

Farmer may take up animals or have action.

If taken up how dealt with.

( 37 )

door of the county, the color, age, marks or bands, as near as he can ascertain, of the animal or animals so taken up, ten days after which notice, either verbal or by advertisement as aforesaid, should the said animals not be redeemed by the payment of one dollar, the established damage, per head, and at the rate of twenty-five cents for every twenty-four hours keeping, and twenty-five cents for notification, the taker up shall and may, by himself, or any special constable he may choose to appoint, sell the said animal or animals publicly for the most it or they will bring, for the payment of the damage, keeping and notice, together with fifty cents for selling, returning the overplus, if any, to the owner.

§ 3. *Be it further enacted*, That it shall and may be lawful for the Syndic, who shall exercise and perform the duty of overseer, at any time hereafter, to have the present gates removed and taken away, and to cause the present road (which runs diagonally through the lots of

Gates may be removed, when & how road altered, & who to work thereon.

land) to be removed and opened as near the centre of said prairie lots as the situation of the ground will admit of, and to cross the lots at right angles, causing the same however, to be made passable before the present road is shut up; to effect which, it shall be the duty of the proprietors, their lessees or agents of lands in the said lower prairie, the inhabitants of the Catheleinett's prairie and of Faux Chanaille, to work thereon until the same may and shall be completed, and every such person being notified one day previously, and failing to attend and work thereon shall pay a fine of seventy-five cents for each day's failure, to

( 38 )

be recovered, with costs, and appropriated as is provided in the fourth section thereof.

§ 4. *Be it further enacted*, That it shall be the duty of the Syndic to cause a road to be opened and kept in repair on the bank of the river Wabash, sufficient for two waggons to pass, which road is to extend from Vincennes to the lower end of said prairie; and that the proprietors of land in said prairie shall be subject to work on the same, under the penalties mentioned in the third section of this act, and that so much of the former law as respects a dike or embankment, shall be, and the same is hereby repealed.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 7, 1810.

WILLIAM HENRY HARRISON.

Road in  
front opened  
how and by  
whom.

Dike law re-  
pealed.

## CHAPTER XIX.

AN ACT for the relief of the heirs and representatives of Samuel Ewing, deceased.—(Private.)

Approved—10th December, 1810.

## CHAPTER XX.

AN ACT supplementary to the act entitled “An act for authorising the proprietors of lands in the lower prairie to enclose the same.”

§ 1. BE it enacted by the Legislative

( 39 )

*Council and House of Representatives and it is hereby enacted by the authority of the same, That from and after the passage hereof, it shall and may be lawful for any, each and every proprietor of land in the said lower prairie to fence in and enclose his, her or their land by a fence or enclosure separate and distinct from the common fence now enclosing the said prairie; in which case, and from that time, he, she or they shall no longer be obliged or compellable to keep up his, her or their part, portion or share of the said common fence, any clause, matter or thing in the aforesaid act or the act supplementary thereto, or of the act passed at the present session in amendment of the aforesaid two acts, usage or custom to the contrary hereof in any wise notwithstanding; Provided nevertheless, That the said enclosures shall not interfere with the road established through the said prairie by the ‘Act to amend an act entitled an act to authorise the proprietors of land in the lower prairie to enclose the same,’ and the act supplementary thereto; And provided also, That no person who shall think proper to enclose his or their own lands, shall disturb*

Proprietors  
may enclose  
seperately

Fence not to  
interfere  
with road.

Leave com-  
mon fence.

or remove his or their part of the common fence by him or them made to enclose the said prairie.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 10, 1810.

WILLIAM HENRY HARRISON.

( 40 )

CHAPTER XXI.

AN ACT *extending the bounds of the county of Harrison.*

WHEREAS it has been represented to the General Assembly, that it would be a public convenience to attach to the county of Harrison a small slip now in the county of Clark, on the Ohio river—therefore,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That all that tract of country contained in the boundary following, be attached to, and constitute part of the said county of Harrison, to wit: to begin at the intersection of the line dividing the fifth and sixth ranges with the river Ohio, thence with the meanders thereof to the mouth of Falling run, thence a straight line to the intersection of the range line between the fifth and sixth ranges, on the boundary of the Delaware purchase, thence with that line to the place of beginning.*

§ 2. *And be it further enacted, That it shall be lawful for the Coroners, Sheriffs, Constables and Collectors of the said county of Clark, to make distress for all dues and officers fees unpaid by the inhabitants within the bounds of the said slip, as described in the preceding section, at the time this act shall take effect, and they shall be accountable in like manner as if this act had not been*

Reason of  
the act.

What part  
taken from  
one & added  
to the other.

Taxes & fees  
by whom  
collected.

passed; and that the courts of Clark county shall have jurisdiction in all actions and suits pending therein at the time this act shall take effect, and they shall try and de- Suits where  
tried.

( 41 )

termine the same, issue process, and award execution.

§ 3. This act shall take effect from and after the pas- Commence-  
ment.  
sage hereof.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 10, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XXII.

AN ACT *to perpetuate testimony.*

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That whenever any person is apprehensive that a suit may be commenced against him, her or them, or that it may be necessary for him her or them to commence a suit upon any subject of litigation which may hereafter arise, and the witnesses which he, she or they may think necessary, are about to remove or reside out of the jurisdiction of the court, or are old and infirm; it shall be lawful for said person or persons to present a petition in writing, stating the subject in contest, to any court of record in this territory, and the court shall enter on record an order Evidence  
may be per-  
petuated by  
petition to  
court.



( 42 )

Dedimus to issue.

for a dedimus to issue for the taking of the deposition agreeable to the prayer of the petition in order to perpetuate said testimony, and the said testimony so taken may be read as evidence in any court of record within this territory, relative to the parts or points stated in the petition; and it shall be the duty of the Clerk of the court to certify said petition and evidence, or a copy thereof, provided the subject is not litigated in the court of which he is Clerk.

Clerk to certify.

Notice to be given to opposite party.

§ 2. *Be it further enacted,* That it shall be the duty of the person or persons taking such deposition or depositions to give reasonable notice to the opposite party of the time and place of taking such deposition or depositions, by serving him or them with a notice in writing, or shall advertise it at least three times in some public paper in this territory, or the territories or states adjoining thereto, and proof of the due execution of the said notice shall be made to the person or persons authorised to take such deposition; and a copy of said notice shall be prefixed to the deposition certified along with the deposition, which deposition, when taken, shall be lodged with the Clerk of the court where the petition shall have been presented; and for the greater security of said petition and deposition, it shall be the duty of the Clerk to record the same in a book kept for that purpose, for which he shall be allowed ten cents for every hundred words; and in case the original should be lost, then a certified copy from said record shall be read as evidence.

Notice to be proven and certif'd with deposition.

Clerk to record.

Fees.

( 43 )

Commencement.

This law shall take effect from and after the passage thereof.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 12, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XXIII.

AN ACT for the prevention of frauds and perjuries.

§ 1. BE it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same, That from and after the passage of this act, all leases, estates, interest or freeholds, or terms of years, or any uncertain interest of, in, or out of, any messuages, lands, tenements or hereditaments made or created by *livery* of *seisin* only, or by parol and not put in writing, and signed by the party so making or creating the same, or their agents thereunto lawfully authorised by writing, shall have the force and effect of leases of estates at will only, and shall not, either in law or in equity, be deemed or taken to have any other or greater force or effect; any consideration for making any such parol leases or estates, or any former usage to the contrary notwithstanding; except leases not exceeding the term of three years from the making thereof, whereupon the rent reserved to the landlord during such

Leases not in writing shall be estates at will only.

Excpt. those not exceeding 3 years.

( 44 )

term shall amount unto two third parts at the least, of the full improved value of the thing demised.

§ 2. *Be it further enacted*, That no leases, estates or interests either of freehold or term of years, or any uncertain interest of, in and to any messuages, lands, tenements or hereditaments, shall be assigned, granted or surrendered unless it be by deed or note in writing, signed by the party so assigning, granting or surrendering the same, or their agents thereunto lawfully authorised by writing, or by act or operation of law.

Assignment of leases to be in writing

§ 3. *Be it further enacted*, That no action shall be brought whereby to charge any executor or administrator, upon any special promise to answer damages out of their own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default

Promises to be performed after a year to be in writing.

or miscarriage of any other person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements or hereditaments, or any interest in and concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or such memorandum or note thereof, shall be in writing, signed by the party charged therewith, or some other person by him thereunto lawfully authorised.

Declarations of trust to be in writing.

§ 4. *Be it further enacted*, That all declarations or creations of trusts or confidences of lands, tenements or hereditaments, shall be manifested and proved by some writing, signed by the party, who is by law enabled to declare such trusts.

( 45 )

Except those created by operation of law.

§ 5. *Be it further enacted*, That where any conveyance shall be made of any lands or tenements, by which a trust or confidence shall or may arise, or result by implication or construction of law, then and in every such case, such trust or confidence shall be of the like force and effect as the same would have been if this statute had not been made.

Sale of goods of less value than 30 dollars not binding unless delivered or earnest paid.

§ 6. *Be it further enacted*, That no contract for the sale of any goods, wares or merchandize, for the price of thirty dollars or upwards shall be allowed to be good, except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment; or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged, or their agents lawfully authorised.

Day of entering judgt. to be stated on record, & for what purpose.

§ 7. *Be it further enacted*, That any Judge of any court of record within this territory that shall sign any judgment, shall, at the signing of the same, set down the day of the month and year of his so doing, upon the book docket or record which he shall sign, such judg-

ments, as against purchasers *bona fide* for valuable consideration of lands, tenements or hereditaments to be charged thereby, shall, in consideration of law, be judgments only from such time as they shall be so signed, and shall not relate to the first day of the term whereof they are entered.

§ 8 *And be it further enacted*, That no writ of *feri facias* or other writ of execution, shall bind the property of the goods of the person against whom such writ of execu-

Goods bound from delivery of exon.

( 46 )

tion is sued forth, but from the time such writ shall be delivered to the sheriff or other officer to be executed, and for the better manifestation of the said time, the sheriff or other officer shall upon the receipt of any such writ, endorse on the back thereof, the day of the month and year whereon he or they received the same.

Sheriff to endorse time of receiving.

This act shall commence and be in force from and after the passage thereof.

Connect.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 13, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XXIV.

AN ACT *directing the mode of leasing section number sixteen, commonly called the School section.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the right to lease section number sixteen in each township, shall be vested in the courts of Common Pleas in each and every county within

Common pleas to lease school secti. on thro trustees in quarters.

this territory, who are hereby severally authorised to appoint trustees whose duty it shall be to lease the same in quarter sections, under such restrictions as the said courts by their orders may direct.

( 47 )

Not more than 1 qr. to each.

Lessee not to disturb timber.

Waste how punished.

Proceeds to be applied to use of schls.

Court to allow compensation to trustees.

continuance of lease.

§ 2. *And be it further enacted*, That there shall not be more than one quarter section leased to any one person, and the lessee shall be bound not to destroy sugar trees, nor waste any valuable timber, except so much as shall be necessary for improving the farm, and that if any person or persons, not having a lease as aforesaid on any of the aforesaid land, and committing waste thereon, shall incur the penalty by the act entitled "An act to prevent trespassing by cutting timber."

§ 3. *And be it further enacted*, That it shall be the duty of the courts of Common Pleas of the several counties to cause the neet proceeds arising therefrom to be applied to the support of schools, according to the true intent and meaning of the original donation, and the several laws of the United States, reserving, granting and appropriating the same.

§ 4. *And be it further enacted*, That the several courts of Common Pleas are hereby directed to make such allowance to the trustees as in their opinion the services rendered by such trustees may deserve.

§ 5. *Be it further enacted*, That no lease shall be granted under the authority of this act for a longer term than seven years.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 14, 1810.

WILLIAM HENRY HARRISON.



( 48 )

## CHAPTER XXV.

AN ACT *supplementary to the act entitled "An act concerning executions."*

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That it shall not be lawful for any Sheriff or other officer, upon any execution hereafter issuing on debts contracted after this date, from any or either of the courts of record, or from a magistrates court in this territory, to buy or take thereon the necessary books of a man's profession, the tools of his trade, or any of the following articles viz.—one milch cow and calf, a breeding sow, one bed, bed-stead and bed-clothing, one pot, one kettle, one dutch oven, one frying pan, and one axe, which said several enumerated articles, are hereby declared exempt from sale upon the said execution or executions, any law, custom or usage to the contrary hereof in any wise notwithstanding.

Certain articles not to be taken in execution.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 14, 1810.

WILLIAM HENRY HARRISON.

( 49 )

## CHAPTER XXVI.

AN ACT *for the relief of Jacob Kuykendoll, and Henry Hurst.*

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That Jacob Kuykendall, be, and he is hereby allowed the sum of twenty-one dollars thirty one cents out of any monies in the territorial treasury

Specific appropriations to whom.

How paid,

and for what

not otherwise appropriated, being in full for his services in summoning the Judges and witnesses in the contested election of William Prince, a member of the Legislative Council for the county of Knox, in the year of eighteen hundred and nine; and that Henry Hurst, be, and he is hereby allowed the sum of six dollars in full for his services as clerk to the said contested election; and that the territorial auditor is hereby directed to audit, and the treasurer to pay the same accordingly.

How certified.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 13, 1810.

WILLIAM HENRY HARRISON.

G

( 50 )

## CHAPTER XXVII.

AN ACT to amend the act entitled "An act establishing courts for the trial of Small causes," and in aid of the "Act to amend an act entitled an act establishing courts for the trial of Small causes.

constable refusing to accept &amp; serve warrant liable for amt.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That any and every Constable legally appointed to office in any county or township in this territory, who shall hereafter refuse or neglect in due time to execute any warrant, summons or other precept which may and shall be offered him for execution or service, shall, and he is hereby made liable, together with his securities, to pay to the party or person injured thereby the amount of his original demand and costs, to be recovered before any magistrate in the county whereon no stay of execution shall be allowed; and any such constable to whom any execution may and shall hereafter

How recovered.

be tendered, neglecting or refusing to serve the same or who has not the money ready, and pay the same over to the person entitled thereto, by or upon the return day thereof, or fails to return a sufficient legal excuse why the amount thereof was not made, shall, and he is hereby made liable to pay to the person entitled thereto the amount of the said execution and costs, to be recovered by motion before the magistrate who issued the same, and in case of his sickness, death or absence, then before any other magistrate in the county, whereupon judgment shall be rendered against the said constable and his securities, and no stay

Failing to make & pay over exon. liable for amount.

And how recovered.

( 51 )

of execution allowed; and in both of the aforesaid cases, execution shall issue immediately, returnable in ten days, any thing in the fifth section of the act to which this is an amendment to the contrary hereof in any wise notwithstanding.

Exon. retble in 10 days.

§ 2. *Be it further enacted*, That real estates shall be bound from the date of any judgment hereafter rendered by any and every Justice of the Peace, and personal estate from the time of the delivery of the execution to the Constable or other officer; and where there is a number of judgments rendered against the same person where the real estate may not be sufficient to satisfy the whole, the judgment first rendered shall be first satisfied, and in case of a plurality of executions, the first delivered to the officer shall be first satisfied out of the personal property or estate, any thing in the tenth section of the aforesaid law to the contrary thereof in any wise notwithstanding; *Provided always*, That no real estate shall be so exposed to sale if the same will extend for the payment of the debt in three years, in which case it shall be delivered on *eligit*, as is already provided in other cases of judgment in the court of Common Pleas.

Real estates bound from judgt. and personal from delivery of exon.

1st judgt. to be first satisfied out of real, and first exon. out of personal property. Real estate not to be sold if it will extend.

Appellant to file transcript. or justice to issue exon. on certificate of clerk.

§ 3. *Be it further enacted,* That it shall hereafter be the duty of the appellant to file a transcript of the Justices record in the Clerk's office of the proper court, during the first court after the appeal, and failing so to do, the Clerk upon application, shall give a certificate that no such appeal, first stating the parties, has been filed with him, upon the production whereof to the magistrate, he

( 52 )

Clerk's fee. shall immediately issue execution, including therein twenty-five cents to the Clerk for the certificate.

Justice withholding money how to be proceeded against.

§ 4. *Be it further enacted,* That where from the absence of the plaintiff or other person entitled to receive the amount of any warrant, summons or execution, and the constable or other officer having paid the same into the hands of the proper magistrate, and he refuses or neglects upon application, to pay the same over to such plaintiff or other person, to obtain judgment by motion before any other magistrate in the county against such magistrate so receiving the said money, upon which motion the return of the constable who levied the execution and paid over the amount, or upon the testimony of any other disinterested person shall be sufficient; and upon any such judgment execution shall issue immediately, returnable in ten days.

What evidence suffict.

Exon. to be returned in 10 days.

Warrants issued by one justice may be tried by another and how.

§ 4. *And be it further enacted,* That in case of any disability, either natural or legal in the justice who issued the warrant or summons, to proceed to the trial thereof, or of issuing execution upon any judgment rendered by him, it shall and may be lawful for the constable to return the warrant or summons to such other magistrate in the county as the plaintiff may request, but should the plaintiff fail to make an election of another magistrate in due time, then the defendant may, which said magistrate shall proceed to trial, judgment and execution in the same manner as if the warrant or sum-

mons had been originally issued by him; and in all cases where from the aforesaid disability it may

( 53 )

be out of the power of the magistrate who gave the judgment to issue execution thereon, it shall and may be lawful for the party in whose favor the judgment is, to obtain from the said magistrate a transcript of the said judgment and costs, upon which he may cause and have execution issued by any other magistrate within the county, any thing in the said acts to which the present is an amendment and aid, to the contrary of the provisions herein contained not withstanding.

§ 6. *And be it further enacted*, That in all cases where the defendant has removed himself, or may be about to remove his property from the county in which any judgment may be rendered against him or them, it shall be lawful for the bail to have execution issued in the same manner as is by law provided for the plaintiff in similar cases.

§ 7 If any constable shall levy an execution on property, and a doubt shall arise whether the right of such property shall be in the debtor or not, such constable may, and it is hereby declared to be his duty to impanel twelve freeholders each of whom shall be disinterested in the writ, to try the right of property aforesaid, and hearing the evidence the said jury shall determine whether the property belongs to the defendant or the person claiming it, and the verdict of the said jury shall be a sufficient justification for said constable to sell the said property, or deliver it to the person claiming the same, as the case may be, and in case any action being brought against said constable for his con-

Exons. may be issued by a justice other than one who gave judgt. and how.

Bail may have exon. in certain cases, & how.

Right of property contested constable to summon a jury.



duct herein, he may plead the general issue and give this act in evidence.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 14, 1810.

WILLIAM HENRY HARRISON.

CHAPTER XXVIII.

AN ACT to repeal the act entitled "An act for the introduction of negroes and mulattoes into this territory, and for other purposes."

Former act  
repealed.

§ 1. BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same, That the act of this territory entitled 'An act for the introduction of negroes and mulattoes into this territory,' approved on the seventeenth day of September, eighteen hundred and seven, be, and the same is hereby repealed.

Removing  
negroes &c.  
from terry.

§ 2. And be it further enacted, That if any person or persons shall attempt to remove from this territory, or shall aid or assist in removing any negro or mulatto person or persons, without first proving before one of the Judges of the court of Common Pleas, or Justice of the Peace, who shall give a certificate thereof, to be filed in the Clerk's office in the county wherein such proof shall be

Unless legal-  
ly entitled  
&c. having  
made proof  
thereof.

made, that he she or they are legally entitled so to do according to the laws of the United States and of this territory, shall, on conviction thereof before any court having

cognizance thereof, forfeit and pay the sum of one thousand dollars, one half to the use of the informer, and the other half to the use of the territory, to be recovered by action of debt, *quitam*, or indictment, and shall be moreover liable to the action of the party grieved, and shall be forever disqualified from holding any office of honor, profit, or trust under this territory.

§ 3. *And be it further enacted*, That the first section of the law of this territory, entitled 'An act concerning servants of color,' be, and the same is hereby repealed, saving however to such persons as may heretofore have executed indentures of servitude, their right under the same, and the master his remedy thereon.

This act shall take effect and be in force from and after the passage thereof.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 14, 1810.

WILLIAM HENRY HARRISON.

( 56 )

## CHAPTER XXIX.

AN ACT *for the removal of the seat of Justice of Clark county, and for other purposes.*

WHEREAS it hath been represented to the General Assembly of this territory, by the petition of a large majority of the citizens of Clark county that they labor under great inconveniences in consequence of the seat of justice being at Jeffersonville, a place on the verge of said county, and whereas it hath also been represented by the said petitioners that the removal of the seat of justice of said county to the town of Charlestown, would, in an eminent degree contribute towards the convenience of the inhabitants thereof—therefore,

To be fined how much & to what use,

and liable to action & disqualified from office.

Repealing a part of servt. law, with certain restrictions.

Comment.

Reason of the law.

Seat of justice removed as soon as jail is built.

and security given for paymt. of subscription

§ 1. *BE it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same,* That from and after the tenth day of February next, provided that a jail, as good in all respects be completed against that time or as soon after as it can be completed at the sole expence of the petitioners, that the seat of justice of the county of Clark shall be, and it is hereby fixed and established in the town of Charlestown, in the said county; *Provided,* That solvent freehold security be given to the trustees, by this act named and appointed, to be approved of by them, or a majority of them, that the several sums of money which have been subscribed amounting to seven hundred and seventy-eight dollars, for the use of the said county, shall be paid on the tenth of February next; *And provided,* That James M'Campbell, on or

( 57 )

and certain lots convey'd

before the tenth day of February next, make to the said trustees a deed or deeds in fee simple, for the following lots of ground, which said lots are known and designated on the map or platt of said town by the numbers, 52, 73, 74, 75, 76, 77, 78, 101, 102, 103 & 104; *And provided also,* That Barzelah Baker, shall make or cause to be made to the said trustees a deed or deeds in fee simple, on or before the tenth of February next, for the following lots of ground, which are known and designated on the general plan of said town numbers 81, 82, 83, 84, 137, 138, 139, 140, 141, 142, 143, 144, 161, 162, 163, 164, 165, 166, 167 & 168.

Charlestown incorporat'd & trustees appointed.  
Their powers

§ 2. *Be it further enacted,* That John Work, Peter M'Donald and Isaac Shelby, be, and they are hereby constituted, appointed and ordained trustees, in fact and in name, and are hereby created a body politic and corporate, by the name, style and title of the trustees of Charlestown, and by that name, they and their successors shall have succession, and shall be persons in law capable of suing and being sued, pleading and being im-

pleaded, answering and being answered unto, defend and being defended, in all suits, actions, complaints and matters whatsoever in any court or courts, before any Judge or Judges, Justice or Justices, and also that the said trustees and their successors, by the same name and style, shall be in law capable of receiving, holding and conveying any estate real or personal,—*And whereas* James M'Campbell and Barzelah Baker have promised to give for the use of the said county

Further reason for act.

## H

( 58 )

sundry lots of ground, situate in Charlestown aforesaid, *and whereas* sundry monies have been subscribed for the use of the said county amounting to seven hundred and seventy-eight dollars.

§ 3. *Be it therefore enacted*, That the said trustees and their successors in their corporate capacity, or a majority of them, be, and they are hereby authorised to sell, dispose of, transfer and convey all the said lots of ground or as many of them at any one time as they, or a majority of them may deem most proper for the benefit of said county, and also on the terms and conditions which they, or a majority of them, shall from time to time agree upon; *Provided*, That the sale of the said lots shall not be advertised or otherwise notified less than twenty days before the sale thereof, and the monies arising from such sales shall be deposited by the said trustees or any of them into the county treasury, to be by the judges of the court of Common Pleas of said county, applied to, and for the purpose of erecting public buildings in Charlestown.

Trustees to sell & convey lots for benefit of county,

In what manner sold, and proceeds how applied.

§ 4. *Be it further enacted*, That when the said trustees or their successors shall receive the aforesaid subscription money, or any part thereof, they, or any of them, shall deposit the same into the treasury aforesaid, and be applied as is directed in the preceeding section.

Subscription money how to be received & appli'd.

Vacancy in trustees how supplied.

§ 5. *Be it further enacted*, That if the places of any of the trustees herein named and appointed, shall become vacant before the business intended by this act, by death, resignation or removal from office, for them

( 59 )

to do and perform shall have been completed, then, and in every such case, an election shall be holden by the remaining trustees to supply such vacancy.

If subscriptions should not be sufficient to complete public buildings petitioners shall pay the ballace,

Petitioners to furnish court house.

act not complied with void.

§ 6. *And be it further enacted*, That in case the subscription and other contributions made for the purpose of erecting public buildings should not be sufficient to compleat a court house as convenient and of equal value with the court house in Jeffersonville, then and in that case the petitioners for the removal shall be bound to pay the overplus, the said court house to be completed on or before the first day of July, eighteen hundred and twelve; and also that the petitioners be bound to furnish a house convenient to hold court in free from expence to the county, and also should any thing in any of the foregoing sections not be complied with on or before the said 1st day of July, 1812, then this act shall cease and have no force or effect whatever.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAs. BEGGS,  
*President of the Legislative Council.*

Approved—December 14, 1810.

WILLIAM HENRY HARRISON.

CHAPTER XXX.

AN ACT for granting writs of *Ne Exeat*.

§ 1. *BE it enacted by the Legislative*



( 60 )

*Council and House of Representatives and it is hereby enacted by the authority of the same,* That whenever hereafter any person or persons is about to remove or leave this territory, without leaving a sufficiency of property for the payment of his debts, and is indebted to any other person or persons which debt shall not be due at the time, it shall and may be lawful for the creditor to go before a magistrate, if the case be cognizable before such magistrate, if not, then to go before one of the judges of the general court or of the court of common pleas, and make oath to the circumstances in the following form, to wit:—I, AB, do solemnly swear (or affirm as the case may be) that CD, of said county, is justly indebted to me in the sum of—————on the nature of the debt or contract, which debt is not yet due, or contract is not yet performed, and that the said AB, is apprehensive that the said CD, is about to remove or leave the territory without leaving a sufficiency of property for the payment of his debts, then it shall be lawful for the magistrate or the judge, as the case may be, to issue a writ of *ne exeat* commanding the person or persons so about to leave the territory to appear before him and give security in the nature of special bail for the amount of the debt sworn to, or to perform the contract, as the case may be, and if the party shall refuse to give bail as aforesaid for the payment of the debt when due, or to perform the contract, it shall be lawful for the magistrate to give judgment upon sufficient proof, or confession thereof being made and in case any of the said judges shall issue

Writs of *ne exeat* to issue, against whom, from what authority upon affidavit.

Form thereof

In what manner proceeded upon.

Party to give special bail or be committed.

( 61 )

said writ, and the party shall fail to give bail as aforesaid, to pay the debt or perform the contract when due, then it shall be lawful for said judge or judges to commit the party so failing to the common jail of the county, and return the circumstances on the writ to the next

Judgt. may be taken but no exon. issued until expiration of contract.

court of common pleas or general court having cognizance thereof, when it shall be lawful for the creditor to take judgment in the same manner as if an original writ had been issued and returned, but no execution shall issue thereon until the expiration of the time stated in the original contract for the payment or performance thereof

Judges to return writs & where.

§ 2. *Be it further enacted*, That whenever any of the judges of the general court or of the common pleas, shall issue any writ of *ne exeat*, and bail as aforesaid shall be given thereon, it shall be the duty of the judge to return the said writ and proceedings to the next court respectively.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 14, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XXXI.

AN ACT to incorporate the Ohio Steam Boat navigation company.—(Private.)

Approved—15th December, 1810.

( 62 )

## CHAPTER XXXII.

AN ACT for the benefit of the heirs of Thomas T. Davis, deceased.

WHEREAS Thoms T. Davis deceased, late chancellor of this territory, did as such chancellor serve this territory for a considerable time; *And whereas* no provision hath been hitherto made for allowing compensation for said services, and it being just that an allowance should be made. Therefore,

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That in full for the above mentioned services, there shall be allowed to Milo R. Davis and Thomas Cleon Davis, heirs of the said Thomas T. Davis, deceased, the sum of thirty dollars out of any money in the treasury not otherwise appropriated, for which amount the auditor is hereby directed to draw by warrant on the territorial treasurer. Allowance  
& to whom.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 15, 1810.

WILLIAM HENRY HARRISON.

( 63 )

### CHAPTER XXXIII.

AN ACT *for the support of illegitimate Children.*

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That on complaint made to any Justice of the peace in this territory by any unmarried woman resident therein, who shall hereafter be delivered of a bastard child, or being pregnant with a child, which if born also may be a bastard, accusing any person of being the father of said child, the justice shall take such accusation in writing and thereupon issue his warrant, directed to the sheriff or one of the constables of his county commanding him forthwith to bring such accused person before said justice to answer to such complaint: and on return of such warrant, the justice in the presence of the accused person, if he may be taken, and if not, then in his absence, shall proceed to examine the complainant under oath respecting her cause of complaint, Complaint to  
whom made  
and proceed-  
ings thereon.

and such accused person shall be allowed to ask the said complainant when under oath any question he may think necessary for his justification, and such questions and answers with every other part of the examination shall be reduced to writing by the justice, and an examination of such accused person shall pay or secure to be paid to the woman complaining such sum or sums of money or other property as she may agree to receive in full satisfaction and shall further enter into bonds with the overseers of the poor of the township in which such woman shall reside, and

( 64 )

their successors in office conditioned to save such township free from all charges towards the maintenance of said child, in such case the justice shall discharge such person, on his paying the costs of prosecution.

Suits to be  
brought and  
by whom.

§ 2. *Be it further enacted*, That when any woman has a bastard child, and neglects to bring forward a suit for its maintenance, or commences a suit, and fails to prosecute to final judgment, the overseers of the poor in any township, interested in the support of any such bastard child, where sufficient security is not offered to save the township, from expence, may bring forward a suit in behalf of the township against him who is accused of begetting such child, or may take up and prosecute a suit began by the mother of the child.

Accused to  
enter into  
recogni-  
zance & in  
what sum.

§ 3. *Be it further enacted*, That in case such accused person do not comply with the provisions of the first section in this act contained, the justice to whom such complaint was made shall bind such person in a recognizance to the next court of common pleas with sufficient security in a sum not less than one hundred dollars nor more than five hundred dollars to answer such accusation, and to abide the order of said court thereon, and on neglect or refusal to find such security, the justice shall cause him to be committed to the jail of the county, there to be held to answer to such complaint.

§ 4. *Be it further enacted*, That if at the time of such court, the woman be unable to attend, the court shall order the removal of the bonds of recognizance, that the accused person shall be forthcoming at the next

Proceedings  
after recog-  
nizance.

( 65 )

court, at which the mother of said child shall be able to attend, and the continuance of such bonds shall be entered by order of said court, unless the security shall object thereto, and shall have the same force and effect as a recognizance taken in court for that purpose.

§ 5. *Be it further enacted*, That where such accused person shall plead not guilty, to such charge before the court to which he is recognized, the court shall order the issue to be tried by a jury, and at the trial of such issue, the examination before the justice shall be given in evidence, and the mother of such bastard child shall be admitted as competent witness, and her credibility be left with the jury; *Provided always*, That no woman shall be admitted as a witness as aforesaid who has been convicted of any crime which would disqualify her from being a witness in any other case; on the trial of the issue the jury shall in behalf of the man accused, take into consideration any want of credibility in the mother of the bastard child, also any variation in her testimony before the justice and that before the jury, and also any other confession of her at any time which does not agree with her testimony, or any other pleas or proofs made and produced on behalf of such accused person.

Proper wit-  
nesses, credi-  
bility, &c.

§ 6. *Be it further enacted*, That in case the jury find the defendant guilty, or such accused person before the trial shall confess in court that the accusation is true, he shall be judged the reputed father of such child,

Reputed fa-  
ther to stand  
charg'd with  
mainte-  
nance, &c.



and shall stand charged with the maintenance thereof in such sum or sums as the court shall order and direct, with payment of costs of prosecution, and moreover be liable to the suit of the complainant for damages, and the court shall require the reputed father to give security to perform the aforesaid order; and in case the reputed father shall neglect or refuse to give security as aforesaid, and pay the costs of prosecution, he shall be committed to jail of the county, there to remain till he shall comply with the order of the court, or until such court shall on sufficient cause shown direct him to be discharged.

This act shall commence and be in force from and after the passage hereof.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 15, 1810.

WILLIAM HENRY HARRISON.

#### CHAPTER XXXIV.

AN ACT *regulating the trade with Indians within the part of the Territory to which the Indian title has been extinguished, and for other purposes.*

WHEREAS the governor has informed this general assembly that the president of the United States had directed him to recommend to the legislature of the territory the passage of a law to prevent the sale of ardent

Proviso.

spirits to the Indians; *And whereas* it appears probable from certain documents which have been laid before the

general assembly, by the governor, that the negotiations between the United States and the Indian tribes are much interrupted by the interference of mischievous individuals, and that the harmony and good understanding between the United States and the said tribes are likely to be interrupted, and the peace which has so long and so happily subsisted jeopardized by such improper and unpatriotic conduct; *And whereas* this general assembly is desirous to shew its respect for the general government, and to promote as far as possible its humane and benevolent policy of civilizing the Indians, an attempt which can never be successful as long as the means of intoxication are within their reach, and being desirous also to facilitate those extinguishments of Indian title which are at once so beneficial to the United States, their constituents, and the Indian tribes—therefore as well for the purposes aforesaid, as to relieve their constituents from the injuries which they sustain from the depredations committed by Indians coming into the settlements to trade.

§ 1. BE *it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same,* That from and after the first day of March next ensuing, no person shall be allowed to trade with any Indian or Indians, within the lands to which the Indian title has been extinguished, without having previously obtained a license from the governor of the territory, and having

No person to trade with Indians without a license from governor under penalty.

( 68 )

previously given bond with one or more securities to the governor and his successors in office for the use of the territory, in the same penalty and under the same conditions as are required by the laws of the United States from persons trading with Indians in the Indian country; *Provided,* That nothing herein contained shall prevent any person within this territory from purchasing any kind of meat, sugar, or any article of Indian manu-

Certain articles except'd

facture, from any Indian or Indians, or shall prevent any person from purchasing with the produce of his or her farm, ardent spirits excepted, any such article, or any skins or furs.

Governor to designate places to trade.

§ 2. *Be it further enacted*, That the trade with the Indians, except as before excepted, shall be confined to such places on the frontiers as the governor may designate, and where the ingress of the Indians may not be considered prejudicial to the persons and property of the good citizens of this territory.

Not to sell or give spirits.

§ 3. *Be it further enacted*, That from and after the first day of March next ensuing, no person or persons shall sell, barter or give any ardent spirits or spiritous liquors to any Indian or Indians within the part of this territory to which the Indian title is extinguished.

Penalty and how recovered.

§ 4. *Be it further enacted*, That any person or persons offending against any of the provisions of the preceeding sections of this act, he, she or they, on conviction thereof by indictment, in any court of competent jurisdiction, shall, for the first offence, pay a fine not exceeding five hundred dollars, nor less than one hundred dollars, and for every succeeding offence, a fine not exceeding six hundred dollars, nor less than two hundred dollars.

( 69 )

What persons not to correspond with Indians

§ 5. *Be it further enacted*, That if any person or persons shall without the permission or authority of the government of the United States, or of this territory, directly or indirectly, commence or carry on, any verbal or written correspondence or intercourse, with any Indian nation or tribe, or any chief, sachem or warrior of any Indian nation or tribe, with an intent to influence the measures or conduct of any Indian nation or tribe, or any chief, sachem or warrior of any Indian nation or tribe, in relation to any negotiations or treaties, disputes or controversies with the United States or this territory, or to defeat the measures of the government of the United States or this territory, or if any person or persons, not

duly authorised, shall counsel or advise, aid or assist in any such correspondence, with intent as aforesaid, he, she or they shall be deemed guilty of a high misdemeanor, and on conviction thereof before any court having jurisdiction thereof, shall be punished by a fine not exceeding three thousand dollars and not less than one thousand dollars; *Provided*, That nothing herein contained shall be construed to impair or abridge the right of individual citizens of the United States to apply by themselves or their lawful agents, to any Indian nation or tribe, or to any chief, sachem or warrior of any Indian nation or tribe for the redress of any injuries in relation to person or property which such individuals may have sustained from such Indian nation or tribe, or any chief, sachem or warrior thereof.

Under what penalty.

Except for redress of injuries.

§ 6. *And be it further enacted*, That no

( 70 )

person who by this, or any subsequent act, shall have the power of issuing licenses to trade with the Indians shall have any concern or interest in any such trade; and any person so offending, shall on conviction thereof, by indictment in any court of competent jurisdiction, pay a fine not exceeding three thousand nor less than five hundred dollars; *Provided always*, That nothing herein contained shall prevent the persons who issue licenses from purchasing of any Indian or Indians, any of the articles mentioned in the first section of this act, in the same manner, and under the same restrictions as other citizens of the territory are permitted to do by said section; *And provided always*, That nothing in this act contained, shall prevent the United States superintendent of Indian affairs, or other agent of the United States from issuing ardent spirits to the Indians at the expence, and on account of the United States, or shall prevent the said superintendent, or other agent from treating, at their respective houses, any Indian or Indians, during any treaty or other conference.

Persons authorised to grant licenses not to be concerned in trade, under what penalty

Certain articles except'd

Provision in favor of U. S. superintendent.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 15, 1810.

WILLIAM HENRY HARRISON.

( 71 )

CHAPTER XXXV.

AN ACT *for the relief of Benjamin Chambers.*

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That Benjamin Chambers, be, and he is hereby allowed the sum of forty-one dollars, in full for his services in attending as a member of the council, on the legislature of this territory at the session of 1808; and the auditor of public accounts is hereby directed to audit, and the treasurer to pay the same accordingly, out of any monies in the treasury not otherwise appropriated.

Allowance  
to whom &  
for what.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 15, 1810.

WILLIAM HENRY HARRISON.

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CHAPTER XXXVI.

AN ACT *supplementary to the act entitled "An act respecting Grist-Mills and Millers.*

Chapter XXXVI. In the title of the enrolled act the word "regulating" is used instead of "respecting."—ED.



§ 1. BE it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same, That every water grist-mill already built, or which shall hereafter be built, that hath, or shall at any time grind for toll, shall

What deemed public mills.

(72)

be held and deemed, and is hereby declared to be a public mill.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 15, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XXXVII.

AN ACT *providing for fixing the permanent seat of Government.*

WHEREAS it appears from an inspection of the map of the territory, a knowledge of the position of the several Indian tribes, and the probable direction of future extinguishments of Indian title, and of future settlements, that a position which will for a great number of years be central both as to extinguished title and population, is to be found within the bounds of the tract ceded to the United States by the late treaty of fort Wayne; *And whereas*, the circumstance of the said tract being unbroken upon by purchasers, and still the property of the United States affords an opportunity of selecting a proper site for a seat of government, which if procured on account of the territory, either by purchase, or donation from the United States, and the proceeds of the sale of the lots appropriated to the erection of public

Proviso.

(73)

building, would be the means of procuring the speedy completion of said buildings and relieve the people from a very considerable burden.

§ 1 *BE it therefore enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That William Prince, John Hadden and James Smith, for the county of Knox; Harvey Heth, for the county of Harrison; Davis Floyd, for the county of Clark; William M'Farland, for the county of Jefferson; Benjamin M'Carty for the county of Franklin; Richard Maxwell, for the county of Wayne; and Elijah Sparks, for the county of Dearborn, be and they are hereby appointed commissioners for the purpose of selecting a site for a town which if approved of by the legislature of the territory, shall be the permanent seat of government of this territory.*

§ 2. *Be it further enacted, That a petition be prepared and signed by the president of the legislative council, and the speaker of the house of representatives, for, and on behalf of the legislature of the territory to congress, praying that honorable body to grant to the territory the right of locating within the bounds of the above mentioned purchase, a tract of land of such size as they may deem proper for laying out a town for the purpose of fixing a permanent seat of government for the territory.*

§ 3. *And be it further enacted, That as soon after an act shall be passed by congress, granting a tract of land as aforesaid, or gran-*

K

(74)

ting a pre-emption right, as they may deem convenient, the governor shall notify the same to the above named commissioners and appoint a time and place for them to meet and proceed upon the duty herein assigned them, locating the said tract within the following bounds, namely, the Embarras fork of White river, the main

Commissioners appoint'd

Petition to be prepared & signed, by whom & for what.

Governor to notify commissioners & appoint time and place to meet.

fork of White river, the boundary line of the new purchase, lately run by John M'Donald, and a line which shall be parrallel to the latter, and at not more than twenty miles from it; *Provided also*, That the said location, or part of it, may be made on the north-west bank of the main fork of white river, or on the south-east bank of the Embarras fork, if is should appear to the said commissioners that a more eligible site cannot be found within the said described bounds.

§ 4. *And be it further enacted*, That if the said commissioners, or either of them shall neglect or refuse to accept of their appointments it shall be the duty of the courts of common pleas in the county where such commissioner resides, upon notice of such neglect or refusal, to proceed to appoint another person to supply the vacancy, and the person or persons so appointed, shall have the same powers given to those named in this act, and if any or all of the commissioners named in this act, or appointed by the courts of common pleas as herein directed, should neglect or refuse to attend at the time and place appointed by the governor, the governor upon notification thereof shall proceed to fill up the vacancy or vacancies, as the case may be, paying due regard as far as

Vacancies  
how suppli'd

( 75 )

time and circumstances will permit, to a selection from the section of the territory from which the commissioners herein named have been chosen. And the said commissioners having viewed the country within the bounds above described, shall proceed to designate the tract which in their opinion, shall be best calculated for the seat of government of the territory, having regard as well to the situation of the land, the water, and other natural circumstances, as to a central position between the following points, viz. fort Recovery, the mouth of the Wabash, the intersection of the boundary of the tract lately purchased from the Kickapoos with the Vermilion river, and a point on the Ohio, opposite the mouth of

To designate  
the tract.

Commissioners disagreeing how to proceed.

Kentucky. And if a majority of the said commissioners shall not be able to agree upon any particular spot for the purpose mentioned in this act, it shall be the duty of said commissioners to make a fair and correct statement to the governor in writing of their proceedings, particularly describing the places which the said commissioners may respectively have chosen with the reasons which may have governed their choice. And it shall then be the duty of the governor to appoint three persons as disinterested with regard to the question as can conveniently be procured, who shall examine the statement made by the said commissioners, and determine which of the places therein described shall be fixed on for the seat of government; and the place so fixed on shall be located by the governor in the land office of the district in which it lies, and in case a majority of

( 76 )

the commissioners shall agree in their choice they shall make a written certificate thereof, which certificate shall be signed by the whole or a majority of the said commissioners, sealed and directed in their presence to the governor of the territory, and by one of them delivered to him; and the governor shall then proceed to locate the tract in the manner before mentioned; and the certificate of the said commissioners, and all other papers relating to the locating said tract shall be deposited in the office of the secretary of the territory, there to be kept as public documents.

Grant not made by congress, how & manner to proceed.

§ 5. *And be it further enacted,* That if the United States should refuse to give to the territory a tract of land for the purpose mentioned in this act, but should allow a pre-emption right, then and in that case the proceedings for designating the tract shall be the same as herein before directed, and the governor is hereby authorised and required to enter the said tract for the territory, and to draw by warrant from the treasury the sum necessary to enter the same, which shall not exceed one section, and the treasurer is hereby directed to pay the

amount of said warrant out of any money in the treasury in preference of any other claim; and if there should be no money in the treasury, the governor shall be, and he is hereby authorised to borrow said sum, for, and on account of the territory, and the said sum shall, together with the interest which shall not exceed ten per centum, be reimbursed out of the first money which thereafter comes into the treasury.

## ( 77 )

§ 6. *And be it enacted*, That the said commissioners, whether named in this act, appointed by the governor, or by the court of common pleas, take and subscribe the following oath or affirmation, as the case may be, before some person authorised to administer the same, "I do swear, or affirm, that I will faithfully perform the duties assigned me as commissioner for locating a site for the permanent seat of government, and that in the selection of the said spot, I will choose that which shall appear to be best calculated for the advantage of the territory." And each and all of the said commissioners however they may be appointed shall receive two dollars and fifty cents per day, as full compensation for each day that they may be actually employed on the business assigned them by this act.

Commissioners to take oath.

Form.

Their compensation.

§ 7. *And be it further enacted*, That as soon after the said location is made as it can conveniently be done, the governor shall cause a town to be laid off on the said located spot of land, after such plan as he may devise, and that the expences attending the same shall be paid for out of any monies in the treasury not otherwise appropriated, by warrant from the governor.

Town to be laid off.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 17, 1810.

WILLIAM HENRY HARRISON.



( 78 )

CHAPTER XXXVIII.

AN ACT *concerning the Clerks of the courts of Common Pleas.*

§ 1. BE it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same, That from and after the first day of January next, all clerks of the courts of common pleas, shall, and it is hereby made their duty to keep their offices at the seats of justice of their respective counties, any other law, custom or usage to the contrary notwithstanding.

Clerks where to keep their offices.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 17, 1810.

WILLIAM HENRY HARRISON.

CHAPTER XXXIX.

AN ACT *for incorporating the Roman Catholic church in Vincennes.—(Private.)*

Approved—17th December, 1810.

CHAPTER XL.

A RESOLUTION *for settling the division line between the two Territories.*

WHEREAS doubts have arisen as to the

( 79 )

Proviso.

point or place from whence the line dividing the Indiana territory as contemplated by the ordinance, is to start

from Post Vincennes; *And whereas* doubts also arises as to what part of the settlement formed above Vincennes on the northwest side of the river Wabash, will form a part of the Illinois territory, for the settleing and quieting whereof,

BE *it resolved by the Legislative Council and House of Representatives of the Indiana Territory*, That the governor of this territory be, and he is hereby requested to open a correspondence with the governor of the Illinois territory, for the purpose of settleing the point of the town of Vincennes, from which the line dividing the Illinois from this territory shall run, and if the said governors can agree as to the manner of running said line, the governor of this territory is hereby authorised on the part of this territory, to make arrangements with the governor of the Illinois, for running and marking the same for the distance of thirty miles, on the north west side of the Wabash; *Provided*, That if the governor of the Illinois territory, or some person properly authorised on the part of that territory, should not enter into an amicable arrangement with the governor of this territory for running said boundary at the joint expence of the two territories, then and in that case, it shall be lawful for the governor of this territory, to proceed to have the said boundary run and marked, commencing at the lower end of Vincennes, and any expences incurred by the said governor in carrying the purposes of this act into effect, shall be paid out of the contin-

Duty of governor.

How far line to be run

Failure of amicable arrangement how to proceed.

Compensation & how paid.

( 80 )

gent fund by said governor: *Provided*, That the running the said line shall not exceed two dollars per mile.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 17, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XLI.

AN ACT *concerning tax on Writs and court Fees.*

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the law of this territory entitled "An act laying a tax on law process," so much of the act entitled "An act regulating the fees of the several officers and persons therein named," as authorises and respects court fees for the use of the county, under the appellation of justices fees in the court of common pleas for the use of the county; and the second section of the law of this territory, entitled "An act to alter and amend an act entitled 'An act organizing courts of common pleas and for other purposes,'" be, and the same are hereby severally repealed.

Parts of former laws repealed.

( 81 )

This act shall take effect and be in force from and after the first day of January next.

DENNIS PENNINGTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 17, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XLII.

AN ACT *supplementary to the act ascertaining and regulating fees.*

§ 1. BE *it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same,* That the coroner or sheriff

for serving a subpœna on each and every person therein named, shall and may ask, demand, have and receive, besides the milage as now fixed by law, the sum of twenty-five cents and no more. Coronor and sheriffs fees in certain cases.

§ 2. *And be it further enacted,* That in lieu of the fees now authorised by law, and heretofore chargeable by the clerk, for probate fees, and the recorders for their fees, the following shall be, and they are hereby substituted, and shall be the only fees which shall hereafter be asked, demanded or received by the said officers for their services, to wit:— Clerks & recorders fees.

L

( 82 )

*PROBATE FEES.*

	<i>D</i>	<i>C</i>	<i>M</i>	
For all copies each folio of 100 words, . . . . .	12	5		Probate fees.
For administering an oath, . . . . .		6		
For filing, . . . . .	12	5		
For citation, . . . . .		50		
For letters of administration, . . . . .	1			
For letters testamentary, . . . . .	1			
Taking and filing a renunciation and taking proof of a renunciation, and which proof the clerks of the courts of common pleas are hereby authorised and required to take, . . .		50		
For proving a will, endorsing a certificate thereon, recording the same and filing it, . .	1			
For qualifying administrator, taking bond and writing certificate, . . . . .	1			
For filing caveat, . . . . .	12	5		
For proving codicil, if proved separately, endorsing certificate, recording the same, and filing it, . . . . .	1			
For recording and examining inventory or accounts, . . . . .	1			

For granting administration, with the will annexed, .....	1
For settling all accounts with executor or administrator, .....	50
Every copy of accounts not exceeding 100 items, with the certificate and seal of office, .	1
Reading & filing petition to sell land and swearing administrator to the truth of the statement made & entering the necessary order thereon, .....	67
Giving notice by order of court for sale of land for each advertisement not exceeding three,	25

( 83 )

*RECORDERS' FEES.*

		<i>D</i>	<i>C</i>	<i>M</i>
Recorders fees.	For recording deeds or mortgages,.....	1		
	For recording a penal bond,.....		50	
	For recording a promissory note,.....		25	
	For recording all other instruments of writing per sheet of 100 words,.....		12	5
	For copies of all records and certifying the same, the same fees as for recording.			

And it shall be made the duty of all recorders within this territory to receive the acknowledgment or proof of deeds and other instruments of writing offered for record, for which they shall be entitled to no additional fees.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 17, 1810.

*WILLIAM HENRY HARRISON.*



## CHAPTER XLIII.

A RESOLUTION for Printing and Distributing the Acts of the present Session.

RESOLVED by the Legislative Council and House of Representatives, That Genl. W. Johnston and William Jones, be, and they are hereby appointed a committee to contract with such person as they may think proper for printing and stitching four hun-

Committee appointed & their duty.

( 84 )

dred copies of the acts passed at the present session of the Legislature, the ordinance for the government of this territory, with such parts of the act, or acts of Congress, which in any manner alter or amend the same, with marginal notes and index thereto, on the best terms, and at as early a period as they can; to effect which, the said committee shall take from the territorial secretaries office, all the original acts and resolutions, returning the same after they may have been printed, *Resolved also*, That the said committee do forward forty copies of the said laws to the clerk of the court of common pleas of each of the counties in this territory, the expences whereof shall be paid by the counties respectively, out of their treasuries, upon an order of the said county, and the said forty may and shall be distributed by the said courts of common pleas within their counties in such manner as they may think proper; the said committee shall deposit the balance of the whole number of copies in the territorial secretary's office, subject to the disposition of the governor: *Resolved also*, That the sum of three hundred dollars be, and the same is hereby appropriated to meet and discharge the expences contemplated in the above resolution, which shall be subject to the order of the said committee; sixty dollars whereof shall be drawn by them for their trouble in contracting for the

Number of copies to each county & how distributed.

Appropriation and for what.

printing, making marginal notes, collecting, making an index, and forwarding the said laws; and the territorial auditor is hereby directed to audit upon the order of the said committee, either to the printer or

( 85 )

themselves, and the treasurer shall pay the same accordingly.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 17, 1810.

WILLIAM HENRY HARRISON.

CHAPTER XLIV.

AN ACT *for the relief of Samuel M'Clure, William Brandy, John Curry & John Hogue.—(Private.)*

Approved—17th December, 1810.

CHAPTER XLV.

AN ACT *concerning Indictments and Presentments.*

§1. *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That from and after the passage hereof, it shall not be necessary or requisite that the name or names of a prosecutor or prosecutors be endorsed on any presentment or indictment which may hereafter be made or found in any court of record within this territory, but the United States shall be considered deemed and taken as prosecutors in all such presentments or indictments; and in all and every case or cases, where the prosecution fails, or where the defendant or de-

Name of pro  
secutor not  
neccessary.

( 86 )

pendants is, or are unable to pay; each and every of the officers concerned in the said prosecution, shall not be entitled to demand or receive, either from territory or county, any fee or compensation for their trouble and services, other than the general or annual allowance now made by law, which, it is conceived was intended, and shall so be taken, to be in full for such services, any thing in the act entitled "An act to authorise the courts of the counties within this territory to draw on the county treasurer for the services and expences therein mentioned," to the contrary hereof in any wise notwithstanding.

Territory  
nor county  
chargeable  
with costs.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 17, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XLVI.

AN ACT *supplementary to the act entitled "An act respecting Apprentices."*

§ 1. BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same, That it shall not hereafter be lawful for any judge or justice of the peace of this territory, to dis-

Judge or justice not to release apprentice.

( 87 )

charge any apprentice from the service of his master, but he shall upon complaint of ill usage or cruel treatment by, or on the part of the said apprentice from his said master, or others by his directions, recognize the

On complt. of apprentice how to proceed.

parties in such security as he may think proper, to appear at the then next term of the court of common pleas, at which term the said court shall hear in a summary way, and decide whether the said apprentice shall be discharged, or return to the service of his said master, and in case he be discharged the clerk of the said court shall give him a certificate thereof; and the decision of the said court shall in all cases be final and conclusive between the parties.

Contracts  
with appren-  
tices void.

§ 2. *Be it further enacted*, That any and every contract or voluntary enlistment hereafter entered into by any apprentice, during the time of his apprenticeship shall be, and the same is hereby declared absolutely null and void.

Apprentice  
absents him-  
self how mas-  
ter to proc'd.

§ 3. *Be it further enacted*, That it shall and may be lawful for the master in case the apprentice deserts or absents himself from his service, or hides or secrets himself, to advertise in some news-paper, offering and giving a reasonable reward for the apprehending and bringing back the said apprentice, and in those cases where he absents himself, and openly runs at large, the master may and shall cause and have a warrant issued against him by any justice of the peace of the county, directing the constable or other civil officer to bring the body of the said apprentice forthwith before him upon the production whereof, to order him to return into the service of

( 88 )

Apprentice  
may appeal.

his said master, but should he refuse to return therein, then to commit him to the common jail of the county, there to remain until he shall so consent; *Provided however*, That the said apprentice may appeal to the next court of common pleas, by entering into recognizance with sufficient surety to appear at, and abide the decision of the said court, who shall hear and decide as is provided in the first section hereof.

§ 4. *And be it further enacted*, That any and all time wilfully lost by an apprentice, shall be by him returned, day for day, to his master, at, and upon the expiration of his indentures; and all reasonable costs and charges to which any master may be put by his apprentice in apprehending or regaining him shall be repaid him by the said apprentice, at & upon the expiration of his apprenticeship.

Time lost by apprentice to be made up, & costs paid to be repaid.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives,*  
JAs. BEGGS,  
*President of the Legislative Council.*

Approved—December 18, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XLVII.

A RESOLUTION *for ascertaining and collecting the arrearages of the Territorial Tax.*

WHEREAS the collectors of the several counties of the Illinois territory were, at

( 89 )

the time of the division of the Indiana territory, in arrears with the said territory; *And whereas* it is thought expedient that the auditor do compel a settlement with said collectors, for aid whereof, *BE it resolved by the Legislative Council and House of Representatives of the Indiana Territory*, That the auditor be, and he is hereby authorised to employ an attorney, if necessary, to conduct any suit or suits, motion or motions, against said collectors, and that the said attorney be allowed a sum not exceeding twenty dollars, in full for each suit or motion which may be necessary to institute or make against said collectors, and that the auditor do audit and

Proviso.

Auditor to employ attorney, his fee & how paid.



the territorial treasurer pay the same out of any monies in the treasury not otherwise appropriated.

Duty of au-  
ditor.

*Resolved*, That the territorial auditor be, and he is hereby authorised and directed to raise and open accounts against all those persons who may heretofore have had the collection of the territorial tax in their hands since the formation of the present grade of government; for which purpose, and to effect which end, he is hereby authorised and directed to procure from the several clerks of the different courts of common pleas abstracts of the lands taxed in their respective counties for territorial purposes; and likewise to open and raise distinct accounts against the several individuals who may have heretofore had accounts with this territory.

*Resolved*, That the sum of one hundred and fifty dollars be, and the same is hereby appropriated to defray the expences which may arise under the above resolution, not on-

M

( 90 )

Appropriati-  
on & for  
what.

ly for clerk compensation, but to the said auditor for his trouble in opening the said accounts, which shall be drawn for by the said auditor, and paid out of the treasury as in other cases, an account whereof shall by the auditor be laid before the legislature at their next session.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 18, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XLVIII.

RESOLVED *by the Legislative Council and House of Representatives*, That the committee appointed to superintend the printing of the laws of the territory shall not allow any part of any private act to be printed at the expence of the territory other than the title of such act.

Private acts  
not to be  
printed.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 18, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER XLIX.

RESOLVED *by the Legislative Council and House of Representatives*, That the Journals of both houses be printed in the

( 91 )

Western Sun, and so soon as the work shall be completed, there shall be allowed to the editor of the said paper the sum of fifty dollars, to be paid out of any money in the treasury not otherwise appropriated, on the auditors warrant therefor.

Appropriation and for what.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 18, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER L.

AN ACT concerning public Roads and High-Ways.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That from and after the passing hereof, when any person subject to work on the public roads and high-ways, shall be warned by the overseer thereof to work thereon and fails to attend accordingly, the said overseer shall and may lodge complaint thereof in writing, to any justice of the peace of the proper township; *Provided however*, That the said overseer shall and do within ten days after such failure to work, give notice to the delinquent of his intention to lodge complaint before such magistrate, which said magistrate upon such complaint being so filed, shall thereupon proceed to fine the said delinquent in the sum affixed by law unless he shall give to such magistrate a sufficient excuse for such non-attendance, before the ex-

Persons failing to work on road how proceeded against.

( 92 )

piration of twenty days after such complaint filed, and upon affixing the said fine, the said Justice shall thereupon immediately issue execution, returnable as the law directs, which fine when collected, shall be paid by the constable serving the said execution to the said overseer, taking his receipt as such therefor, any thing hereof to the contrary in any wise notwithstanding.

Fine to who payable.

DENNIS PENNINGTON,  
*Speaker of the House of Representatives,*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 18, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER LI.

AN ACT for apportioning the members to the House of Representatives and for other purposes.

§ 1. BE it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same, That from and after the term for which the present members of the house of representatives have been elected, the following apportionment of members shall take effect and be established, to wit: the county of Knox shall elect three members, the county of Harrison, one, the county of Clark, one, the county of Jefferson, one, the county of Dearborn, one, the county of Franklin, one, and the county of Wayne, one, and the election therefor shall be holden on the first Monday of August, eighteen hundred and twelve, and biennially there-

Apportionment of members.

( 93 )

after, on the first Monday of August. And the election of delegate to the thirteenth congress of the United States shall be holden on the said first Monday of August, eighteen hundred and twelve—and all subsequent delegates shall in like manner be elected on the first Monday in August biennially.

Time of holding election

§ 2. And be it further enacted, That if any vacancy or vacancies should occur by death, resignation, or removal of any or all of the representatives now elected for the counties of Harrison and Knox, the governor shall issue his writ of election to supply such vacancy or vacancies, so that the representation from the said counties remain as it now is; and if there should be a vacancy or vacancies in the representation of the county of Clark, the same shall be filled up by writ of election from the governor in the following manner, to wit: if both the representatives from said county of Clark should die, resign or be removed the place of one of them shall be supplied by an

Vacancies how suppli'd

election to be held for the county of Jefferson, and of the other by an election to be held for the said county of Clark, such as it will be after the said county of Jefferson shall be stricken off, and if only one vacancy should occur in the said representation, then it shall be supplied by an election to be held for that county where the member lived, who shall have created such vacancy; and if all the present representation from the county of Dearborn should die, resign, or be removed, their places shall be supplied by an election of one member from each of the counties of Dearborn, Franklin and Wayne, but if one or two vacancies only should occur, the va-

( 94 )

vancy or vacancies so created shall be supplied, if possible, in such manner as to give one member to each county; and there shall be held in each county of the territory an election on the first Monday in April next for the election of a delegate to the twelfth congress of the United States, as well as for the supplying all vacancies in the house of representatives of the Territory, agreeably to the apportionment directed by this section

§ 3. *And be it further enacted*, That no person except militia officers shall hereafter be eligible to a seat in either branch of the legislature who holds an office of honor, trust or profit directly under the president of the United States, nor shall any such person receive any office of honor, trust or profit under the authority of this Territory: *Provided*, That nothing contained in this act shall be so construed as to prevent the United States Judges from being appointed Chancellors in this Territory.

What persons disqualified from a seat.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.



## CHAPTER LII.

RESOLVED by the Legislative Council and House of Representatives, that John M'Candless, be, and he is hereby allowed the sum of two dollars and fifty cents out of any monies in the treasury not otherwise

Appropriation and to whom.

( 95 )

appropriated, for stationery and fire wood furnished the present legislature.

GNL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER LIII.

A RESOLUTION *allowing compensation to George R. C. Sullivan.*

RESOLVED by the Legislative Council and House of Representatives, that George R. C. Sullivan, be, and he is hereby allowed the sum of twenty dollars out of any monies in the territorial treasury not otherwise appropriated, in full for his services as an assistant clerk to the house of representatives during the present session.

Appropriation and to whom.

GNL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER LIV.

AN ACT *making appropriation for the ensuing year.*

1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the*

( 96 )

Contingent  
fund.

*same*, That the sum of three hundred dollars be, and the same is hereby appropriated for contingent expences, and that all other monies, except the additional sum of three hundred dollars which by a joint resolution of both houses at the present session is made subject to the order of the committee for printing the laws, received, or which shall be received into the territorial treasury shall be a general fund for all monies allowed by law; the said contingent fund shall be subject to the order of the governor for expresses, and other incidents which cannot now be foreseen by the two houses, a statement whereof shall be by him laid before them at their next session.

General fund

§ 2. *And be it further enacted*, That there is allowed, and shall be paid to the following persons for their services the following sums.

Specific ap-  
propriations

To the Territorial Auditor for his salary, one hundred and fifty dollars; to the Territorial Treasurer for his salary, one hundred dollars; to the county of Knox, for house rent to the end of the present session of the Legislature twenty dollars; to Joshua Bond, for a large table furnished for the house of representatives, six dollars; to E. Stout, for printing twenty-five copies of the rules for the use of the members of both houses, 12 dollars; to John M'Candless, for fuel and stationery furnished the two houses at the present session, and summoning the witnesses in the enquiry upon the petition concerning

P. (96), l. 12. In the enrolled act the last word is "session" instead of "section."—Ed.

Burrism, thirty-six dollars and seventy-one cents; to the attorney general, in full for his salary, one hundred dollars; to Peter Jones, for his services as ex auditor of this territory from the twelfth day of September, eigh-

( 97 )

teen hundred and nine, to the twelfth day of April, instant, eighty seven & a half dollars; to William Prince, for his services as the present auditor from the thirteenth day of April last, to the twelfth of December, instant, one hundred dollars; to Waller Taylor, for his services as Chancellor of this territory, one hundred and fifty dollars; to Samuel Gwathmey and John Badollet, registers of the land offices for lists of lands the present year, 5 dollars each; to Peter Jones, the amount of his account for postage on letters and other documents for, and upon the business of the territory, eight dollars fifty cents; and the territorial auditor is hereby directed to audit, and the treasurer pay the same accordingly.

Specific ap-  
propriations

§ 3 *Be it further enacted*, That the sums heretofore audited by the present auditor to the treasurer and the attorney general of this territory for their services for the last year, be, and the same are hereby legalized.

Legalize cer-  
tain sums au-  
dited.

§ 4. *And be it further enacted*, That the present auditor be, and he is hereby authorised and directed to have made a plain proper case of such dimensions as he may think proper, for the purpose of containing and securing the books and papers of his office; *Provided*, The expence thereof does not exceed ten dollars, which sum is hereby appropriated for that purpose, and the auditor

Auditor to  
procure case.

N

shall audit, and the treasurer pay the same accordingly.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

CHAPTER LV.

AN ACT *supplemental to an act entitled "An act establishing and regulating the Militia."*

§ 1. BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same, That the first sergeants of each company shall be, and they are hereby constituted collectors of the fines assessed by courts martial and courts of enquiry, for which they shall be allowed seven per centum on their collections; and it shall be the duty of the presidents of the courts of enquiry and courts martial, to make out a correct list of all delinquencies, and the same being certified by himself, the judge advocate, and the two next eldest officers of the court, shall be delivered by him to the first sergeant of the company, on or before the first day of April, yearly and every year, and the receipt of the said sergeant be deposited with the clerks of the regiment respectively, and the said sergeant shall proceed to collect the said fines in the same manner as the county levies, and shall account with the said clerk of the regiment in the same man-

First sergt's.  
to be collec-  
tors & their  
allowance.

Delinquen-  
cies by who  
certified.

How collec-  
ted.

ner and in the same time that county levies are accounted

for, and he shall moreover be subject to the same penalties for negligences and omissions in relation to this law, as the sheriff is or shall be subject to for neglect or omission with regard to the collections of the county levy; *Provided always*, That the said sergeants shall be credited by his list of delinquencies and insolvents, to be first examined by the colonel of the regiment; *Provided also*, That all fines which are now due to the territory for any neglect of the militia duty shall be, and the same are hereby released and given up.

Penalty for neglect.

Former fines relinquished

§ 2. *And be it further enacted*, That persons who are subject to militia duty, and who shall emigrate from another state or territory, or from the bounds of one regiment into another, shall not be subject to be enrolled for forty days after such removal, and the captains respectively shall enroll such emigrants as soon after the expiration of the said forty days as they may have information of the residence of the said emigrant within their bounds, and in all cases of doubt respecting the age or ability of any person enrolled, or intended to be enrolled, the party questioned shall prove his age or disability to the satisfaction of the commanding officer of the company within whose bounds he may reside.

Forty days residence before enrolled

§ 3. *And be it further enacted*, Should circumstances in the opinion of the commander in chief make it necessary, a regiment may consist of more than two battalions, and a battalion of more than four companies.

Of regt's. & battalions to consist of.

§ 4. *And be it further enacted*, That captains shall not be obliged to make their re-

( 100 )

gular returns to the majors in ten days after regimental, battalion and company musters, but shall make the same on or before the day appointed for holding the next court of enquiry after such muster, on or before which day the majors respectively shall make the return of the delinquent officers of his battalion to the commanding officer of the regiment, and within ten days after the said court of enquiry, the majors respectively shall make

Captains to mak returns.

Majors to make return of delinque't officers, and compleat return of battalion.



to the colonel a compleat general return of their battalions.

Court of enquiry for assessment of fines.

§ 5. *And be it further enacted,* That a court of enquiry for the assessment of fines shall consist of any number of commissioned officers, not less than three, who shall attend at the time and place appointed, and in addition to the oath which the members are required to take by the law to which this is a supplement, they shall be sworn to disclose all delinquencies which may come to their knowledge, which delinquencies shall be considered and acted upon by the court, in the same manner as those upon the returns.

Adj. gen. to have blank returns printed & distributed.

§ 6. *And be it further enacted,* That the adjutant general shall cause blank forms of returns to be printed and distributed to the officers commanding corps, and his reasonable account for printing and transmitting the same, together with the postage on letters sent and received, containing orders, or returns and reports shall be admitted by the governor, and paid out of the contingent fund.

Neglect of duty how punished.

§ 7. *And be it further enacted,* The same penalties shall be incurred by the officers respectively, who shall neglect to turn out their commands, and to attend themselves, and by the non-commissioned officers and

( 101 )

privates for not attending properly equipped at any review by the commander in chief, as are directed to be inflicted for neglecting those duties in relation to a general muster.

Regimental musters dispensed with in certain cases.

§ 8. *And be it further enacted,* That when the dispersed situation of a regiment may oblige men to march more than twenty miles to the place of parade, it shall be at the discretion of the commanding officer of the regiment to dispense with the regimental musters, and instead thereof to muster them in battalions, or lesser bodies; and each commanding officer of a corps when on duty shall have full power and authority to ascertain and fix certain necessary limits and bounds to their re-

Commanding officer to fix bounds to parade.

spective parades, no road on which people usually travel to be included, within which no spectator shall have a right to enter without liberty from said commanding officer, and in case any one shall intrude within the lines of the said parade, after being once forbidden, he shall be subject to be confined under guard during the time of exercise, at the discretion of the commanding officer; and all officers when on duty shall take rank from the date of rank expressed in their several commissions, and when two of the same grade be of equal date, former service shall decide between them, but when there is no pretension on either side from former rank, then it shall be decided by lot as heretofore.

Persons intruding how punished.

How officers to take rank.

§ 9. *And be it further enacted*, When a non-commissioned officer returns to the ranks having performed a tour of duty in that capacity, he shall be placed in a class which may also have performed a tour of duty, and if he returns to the ranks without

Non-commissioned officers how to be classed.

(102)

having performed a tour of duty as a non-commissioned officer, he shall be arraigned by lot to a class which shall not have performed a tour, and if a non-commissioned officer or private who has not performed a tour of duty, shall join a select company, granadiers, light infantry or select rifle-men which company has performed a tour of duty, he shall nevertheless be subject for two years from the date of his joining such flank company, to perform his tour of duty with the class of that company which he may have left, and his name shall be continued for the said two years on the class roll accordingly.

§ 10. *And be it further enacted*, That to prevent the confusion and difficulties which arise from the non-commissioned officers and privates of the several troops of dragoons, companies of granadiers, artillery, light infantry, and select rifle-men, leaving their corps and joining other militia companies, it is hereby declared that in future no such noncommissioned officer or private, shall

What officers may grant discharges and how.

be permitted to leave his troop or company, without being regularly discharged from the same, by an order from the commander in chief, or a general officer of brigade or division, or until the appointment of general officers by the colonel of the regiment to which such troop or company may be attached, who are hereby respectively authorised to grant such discharges upon proper cause being shown: *Provided always*, That no such non-commissioned officer or private, shall be obliged to serve in such troop or company for more than five years: *And provided also*, That any person subject to militia duty, may be permitted to join in said

( 103 )

flank companies although they may be above twenty-eight years of age; and until the formation of brigades, the troops of cavalry shall be considered as attached to the regiments respectively within the bounds of which the greatest part of said troops may have been raised, and they shall receive their orders from the commanding officer of said regiment.

Notice of  
musters how  
to be given  
except, &c.

§ 11. *And be it further enacted*, That notice for the ordinary musters and trainings shall be the same as is expressed in the law to which this is a supplement; but in case of invasion, threatened invasion, insurrection, or other emergency, any time specified in the orders shall be considered legal; and the persons respectively who shall neglect or refuse to obey such orders shall be subject to the same penalties as if the notice had been given in the manner directed by the law to which this is a supplement, and unless when called into actual service, it shall not be necessary to read the articles of war, unless when it shall appear to the commanding officer that it can be done without inconvenience; and it shall not be necessary, unless when called into actual service, for the platoon officers to be armed both with swords and esponsos, either of which shall be sufficient.

§ 12. *And be it further enacted*, That when the funds

derived from the fines shall in the opinion of the courts of enquiry authorise the measure, the said courts shall allow to the adjutants, the judge advocates and the staff officers such compensation for their trouble in making the returns as to them shall appear reasonable.

Certain officers may be allow'd compensation.

( 104 )

§ 13. *And whereas* the society of friends called quakers, have ever professed themselves from their first formation, conscientiously scrupulous of bearing arms, and on that account they have in many of the states been entirely exempt from militia duty, and even if a small fine would be imposed upon them, in lieu of days that other citizens devote to militia improvements, such are the scruples of the said society that it would only be paid by such part of them as are less attentive to the principles which govern them, whilst to the others it would prove a source of much greater injury and vexation, than of profit to the territory: *And whereas*, the universal benevolence which govern said society, established by their ample contributions to all charitable and useful institutions, and particularly their exertions to civilize the Indians, a fund having been actually raised to be devoted to that object in this territory: *Therefore*, as well for those reasons as from the circumstance of the said society being always in the habit of supporting their own poor, although they cheerfully pay their poor tax for the support of those of other denominations: *Be it enacted by the authority aforesaid*, That the persons composing said society shall be, and they are hereby exempted from militia duty: *Provided always*, That in time of actual war they will be subject to such additional tax or contribution, in lieu of militia services as the legislature may think proper to impose.

Proviso.

Society of friends, called quakers exempt, &c.

§ 14. *And be it further enacted*, That so much of the act entitled "An act regulating and establishing the militia," as comes within the purview of this act shall be, and

Part of former law repealed.



( 105 )

Part of former law repealed.

the same is hereby repealed: *Provided always*, That nothing in this act, or in the said recited act, shall be so construed as to prevent the commander in chief, and the commander's of divisions, brigades, regiments and battalions to require special returns and reports to be made to them of the state of their commands from any or all of their inferior officers, which returns and reports shall be made accordingly, nor shall any thing in this or the said recited law, prevent the commander in chief from calling out the militia, or any part thereof, on any emergency other than that of an invasion: *Provided*, the same is not incompatible with the constitution and laws of the United States or of this territory: *And provided also*, That nothing in the act to which this is a supplement shall prevent a company of infantry from being formed in remote settlements, although the number of officers, non-commissioned officers and privates shall not exceed thirty, and the right of laying off new company districts shall appertain solely and exclusively to the commanding officer of the regiments respectively: *And provided also*, That nothing in this, or the said recited act, shall prevent the commander in chief from establishing independent battalions when the same may be so detached as to make the formation of a regiment inconvenient, and the majors commandants of such battalions shall perform in relation to those battalions the same duties, and be invested with the same powers that the commandants of regiments are.

§ 15. *Be it further enacted*, That no offi-

O

( 106 )

Officers not to treat on musters, nor other persons to bring liquors under what penalty how recovered, &c.

cer of the militia shall be allowed to treat his men with any ardent spirits or strong water on the days of muster, nor shall any person be allowed to vend liquors of that kind on any day of training, muster or review, within two miles of the parade ground, and if any person shall bring any such liquors within two miles of such



parade ground, it shall be the duty of the commanding officer to seize the same, and the person bringing or selling such liquor within the bounds above described, shall, besides the loss of such liquor, forfeit and pay a fine of fifteen dollars, to be recovered by any person suing for the same, before any justice of the peace, one half to the use of the informer, and the other half for the use of the territory: *Provided however*, That nothing in this section shall extend to in-keepers, whose stands may be within the aforesaid distance of two miles.

§ 16. The commander in chief shall have authority to introduce such part of the system of discipline called the new tactics, amongst the militia of the territory as in his judgment may appear proper.

New tactics may be introduced, & by who.

§ 17 *And be it further enacted*, That no order or execution shall hereafter issue from any court of enquiry and assessment of fines until the second court after delinquency or offence shall have been suffered or committed, in order that the delinquent may have time to make his excuse before the said court of enquiry before the assessment of the fine: *Provided*, That after the fine may be so assessed at the said second court of enquiry, no excuse shall be received, which fine, when so assessed, shall be certified to the judge advocate within fifteen days thereafter under

Duty of court of enquiry for assessment of fines.

( 107 )

his hand and private seal, to the first sergeant of the company to which the delinquent may belong, and by said first sergeant collected of the delinquent by sale of goods or imprisonment of body, and by him paid unto the clerk of the regiment within thirty days after he may and shall receive the said list, in nature and effect of a warrant, any thing in the aforesaid law contained to the contrary notwithstanding.

§ 18. *And be it further enacted*, That nothing in this act, or that to which the present is a supplement, shall be so construed or extended to exculpate students from performing militia duty.

Students not exempt from militia duty.

Clerk to settle, who with & under what penalty

§ 19. *Be it further enacted,* That it shall be the duty of the clerks of the respective regiments to settle with, and pay into the hands of the colonels of the counties all monies which they shall have received from the sergeants of regiments on or before the first day of September, annually, and every year, under the penalty of two hundred dollars, to be recovered by action of debt, at the suit of the colonels of the respective regiments, for the use of their respective regiments, and the said colonels respectively shall appropriate the monies so received to the use of the said regiment, in furnishing such military impliments and cloathing as may be deemed necessary.

Colonels to settle, who with, & under what penalty.

§ 20. *And be it further enacted,* That the said colonels of regiments shall annually settle their accounts for the monies so received and expended, with the courts of enquiry, under the penalty of two hundred dollars, to be recovered by action of debt, by the

( 108 )

Judge advocate of the respective regiments, for the use of said regiments.

Part of former law repealed.

§ 21. *And be it further enacted,* That so much of the act to which this is an amendment, as requires the militia to uniform themselves, shall be, and the same is hereby repealed: *Provided nevertheless,* That this clause shall not be construed to extend to light companies.

Officers to serve under old commissions, until, &c.

§ 22. *And be it further enacted,* That the officers of the militia shall serve in their respective grades, under the commissions which they now hold, until it shall be convenient for the executive to issue new ones, although the said commissions may express regiments in which said officers no longer serve.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER LVI.

WHEREAS, the two houses by their joint resolution of the fourteenth instant, have directed that the journals of both houses at the present session should be printed, but omitted to designate by what way they should get to the press—wherefore,

Proviso.

RESOLVED *by the Legislative Council and House of Representatives*, That the joint committee appointed to superintend the printing and distributing the acts, &c. of the

( 109 )

present session be, and they are hereby authorised to receive from the secretary of the Legislative Council and the clerk of the House of Representatives, the journals of their respective houses, and to superintend the printing thereof, for which service the said committee shall be entitled to, and receive from the treasury, upon the order of the auditor, the additional sum of twenty dollars.

Specific appropriation to whom, &amp; for what.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER LVII.

A RESOLUTION *respecting the Militia Laws.*

RESOLVED *by the Legislative Council and House of Representatives of the Indiana Territory*, That the committee appointed to superintend the printing of laws be, and they are hereby authorised to cause an extra number

Extra copies to be printed &amp; where deposited, &amp;c.

of the militia laws passed at the present session to be printed, and that the governor cause to be printed a number of copies of the old militia law; and that the laws so printed, shall be deposited in the office of the secretary of the territory to be by the governor distributed amongst the militia officers in lieu of the revised code; and the number of copies of the said laws to be printed, shall be determined by the gover-

( 110 )

nor, and the expence thereof paid out of the contingent fund.

GNL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—December 19, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER LVIII.

AN ACT *supplementary to the act for establishing a permanent seat of government of this Territory.*

Proviso.

WHEREAS a law has been passed at the present session of the general assembly, providing for the location of a seat for the permanent seat of government of the territory: *And whereas* it is just that the seat of government should be there removed as soon as the arrangements can be made—therefore,

Place of permanent seat of governm't

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the place located by the commissioners appointed under the authority of the before mentioned act, shall be the permanent seat of government of this territory, and that within twelve months

after the lots in the said town shall be exposed for sale, measures shall be taken by the executive to remove thither the offices appending to the seat of government, and the subsequent session of the legislature also be holden there.

G<sup>N</sup>L. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

( 111 )

CHAPTER LIX.

AN ACT *allowing compensation to the members of the Legislative Council and House of Representatives of the Indiana Territory, and to the Officers of both Houses at the present session.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same,* That each and every member of the legislative council and house of representatives, shall be entitled to and receive out of the territorial treasury, upon the certificate of the auditor, for each and every days attendance on the legislature at the present session, the sum of two dollars, and shall moreover be allowed the sum of ten cents per mile travel to and from Vincennes, to their places of residence by the most usual road.

Compensati-  
on to mem-  
bers, &c.

§ 2 *Be it further enacted,* That the clerk of the legislative council, shall, in the like manner receive for his services at the present session, the sum of three dollars and fifty cents per day; and the clerk of the house of representatives, shall, in like manner receive for his services at the present session, the sum of three dollars and fifty cents per day; and the door-keeper of both houses, shall, in like manner receive for his services at the pres-

Compensati-  
on to clerks.



ent session, the sum of one dollar and fifty cents per day.

By whom  
certified.

§ 3. *And be it further enacted*, That the compensation which shall and may be due to the members and officers of the legislative council shall be certified by the president thereof, and that which shall and may be due to the members and officers of the

( 112 )

house of representatives, together with the door-keeper of both houses, shall be certified by the speaker thereof, which certificate shall be to the auditor sufficient evidence of claim, and he shall thereupon issue certificates to the several members and officers aforesaid, payable at the treasury of the territory, as in other cases.

GNL. W. JOHNSTON,  
*Speaker of the House of Representatives,*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

## CHAPTER LX.

AN ACT *fixing the time at which the courts of Common Pleas are to be held in certain counties, and for other purposes.*

Times of  
holding  
courts of  
common  
pleas, &c.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the Judges of the court of Common Pleas shall hold a court in the following counties, to wit; for the county of Harrison, the first Monday in February, June and October; the county of Clark, on the second Mondays of February, June and October; for the county of Jefferson, on the third Mondays of February, June and October; for the county of Dearborn,

on the fourth Mondays of February and June, and the second Monday in November; for the county of Franklin, on the first Mondays of March and July, and the third Monday in

( 113 )

November; for the county of Wayne, on the second Mondays of March and July and fourth Monday in November; *Provided nevertheless*, That there shall be no court held in the county of Dearborn, on the fourth Monday in February next, but shall afterwards be holden on the said days as above specified, and also that all process which have been issued, and suits pending in the counties of Clark and Dearborn, which have been made returnable, and suits to be determined at any court in said counties heretofore fixed by law, shall stand adjourned over and be tried and determined at the terms fixed in this section, in the same manner as if this act had not been passed, and that the said courts may hold six days and no longer, at each term, any law to the contrary hereof notwithstanding.

§ 2. *Be it further enacted*, That the said Judges of the courts of Common Pleas, shall hold annually three other sessions, at which no proceedings shall be had in suits or process of a civil or criminal nature, in each county following, to wit: for the county of Jefferson, on the second Mondays of February, June and October; for the county of Franklin, on the third Mondays of February, June and October; for the county of Wayne, on the fourth Mondays of February, June and October, and that the said courts may hold three days, and no longer, at each term, any law, to the contrary hereof notwithstanding.

Times of holding courts of common pleas, &c.

§ 3. *And be it further enacted*, That the Judges of the Circuit courts may hold annually a Circuit court in the following counties

When circuit courts to be holden

( 114 )

at the times herein specified, to wit: for the county of Harrison, on the fourth Monday in May; Clark, on the third Monday in May; for the county of Jefferson, on the second Monday in May; for the county of Dearborn, on the first Monday in May; for the county of Franklin, on the fourth Monday in June, and for the county of Wayne, on the third Monday, in June.

Courts and proceedings therein, adjourned in certain counties, &c.

§ 4. *And be it further enacted*, That there shall be no court holden either in the counties of Harrison or Clark, on the first Monday in January next for the county of Clark, and the second Wednesday in January next, for the county of Harrison, but the same shall be continued over to the times affixed by this act, & all suits pending in said courts and process returnable to the said first Monday in January, and second Wednesday in February, shall be continued over, and made returnable to the first Monday in February, for the county of Harrison, and the second Monday in February, for the county of Clark.

Time of commencement of certain acts.

§ 5 *Be it further enacted*, That the act for the division of Clark and Dearborn counties, and for the formation of a new county out of the said two counties, and also the act for the formation of two new counties out of the counties of Dearborn and Clark, shall take effect, and be in force on the first of January, eighteen hundred and eleven.

GNL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

( 115 )

## CHAPTER LXI.

AN ACT *legalizing the sale of a quarter section of land sold by the board of Trustees of the Vincennes University.—(Private.)*

Approved—19th December, 1810.

## CHAPTER LXII.

AN ACT *to amend an act entitled "An act to regulate the disposition of water crafts of certain descriptions found gone or going a drift, and of estray animals."*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That if the owner or owners of any estray animals taken up under the provisions of the aforesaid recited act, shall not appear within 2 years after the publication required in the said act, and prove his, her or their property, then, and in that case the property shall be vested in the taker up: *Provided nevertheless,* That nothing in this act shall be so construed as to prevent the lawful owner or owners of any estray animal or animals, from proving his, her or their property at any time after the expiration of the said two years; but it shall be at the choice of the taker up, either to deliver up the estray, or to pay the amount of the appraisal, after deducting the necessary expences of taking up, and also reasonable charges for keeping such estray or estrays, but if such taker up shall make use of any estray horse or horses, by working him or them, in such case he

Property of  
estray vested  
in taker up  
after 2 years.

If claimed af-  
ter 2 years  
may pay ap-  
praisement or  
deliver up es-  
tray.

( 116 )

shall not be entitled to any pay for keeping said horse or horse creatures.

§ 2. *And be it further enacted,* That all and every part of the aforesaid recited act, that comes within the pur-

Repealing  
clause.

view of this act, be, and the same is hereby repealed.

GNL. W. JOHNSTON,  
*Speaker of the House of Representatives,*

JAs. BEGGS,  
*President of the Legislative Council.*

Approved—December 19, 1810.

WILLIAM HENRY HARRISON.

AN ACT to Incorporate the Indiana Church.

Proviso.

*Whereas* it has been represented to the general assembly of the Indiana territory by sundry citizens of the county of Knox, of the Presbyterian faith, and is by the said general assembly believed that the propagation of the gospel contributes in an eminent degree to civilization, and that republican legislatures have, and ever ought to extend their constitutional aid to every institution, whose basis is religion, and whose object is general philanthropy, and improvement of the human species; that the incorporation of churches with proper restrictions, will be the sure means of diffusing the great and important truths contained in the Divine revelations; to effect which humane views, they, the said citizens have requested an act of incorporation to the Presbyterian church—therefore,

§ 1. BE *it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the*

( 117 )

Trustees appointed, and their powers.

*same,* That for the better ordering, ruling and governing the said association and its members, John Gibson, William M'Clure, Samuel Thompson, John Ockiltree, and Joseph Williams, shall be, and they are hereby appointed the five first trustees of the said institution, who shall continue in office for the term of three years from the



passage of this act; and that they, and their successors, shall be a body corporate and politic, in deed, fact and name, by the name and style of "The Indiana Church," by which name they shall have perpetual succession; and that they and their successors, by the same name and style, shall be persons in law capable of suing, and being sued, plead, and being impleaded, answer, and being answered unto, defend, and being defended, in any and every court of justice within this territory; as also to purchase, or receive in gift, and hold for, and in the name, and to and for the use of the said institution, any estate, real and personal, whatsoever: *Provided*, The real estate so to be holden, shall at no one time exceed the quantity of six hundred acres of land: *And provided also*, That the lands, tenements, and hereditaments which may hereafter be acquired by the said institution shall not be aliened without the consent of the members of the said church, in which case the trustees, or a majority of them for the time being, shall make and execute the transfer.

May hold estates how, &c.

§ 2. *Be it further enacted*, That an election of five trustees shall take place, by the then actual members of the said church, on the first day of December, anno Domini, one thousand eight hundred and thirteen,

Time of election, and vacancies how suppli'd

( 118 )

and on the same day triennially, ever thereafter; and should a vacancy or vacancies happen in the intermediate time of the stated elections, the same shall be supplied by the then remaining trustees, from amongst the members of the church.

§ 3. *And be it further enacted*, That the said trustees, or a majority of them, shall have power from time to time, and at all times hereafter, to meet and make such by-laws, ordinances and regulations in writing, not however, inconsistent with the constitution and laws of the United States, or of the ordinance and laws of this territory, as may be necessary for the government of the said corporation, its members and concerns, which by-

Duty of the trustees, &c.

laws shall be in force until the next triennial meeting, and afterwards, unless disagreed to at such meeting by a majority of the members of the said church; *Provided always*, That the by-laws so made, shall by the trustees, be laid before the said meeting, in order that the same may undergo examination, and if thought advisable, rejected.

DENNIS PENNINGTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—December 7, 1810.

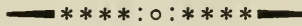
WILLIAM HENRY HARRISON.

## ERRATA.

- Page 14, In the date of the law, chapter 1 read '23,' in place of '22.'
- 49, In the date of the law, chapter 26 read '14,' in place of '13.'
- 100 In the 20th line from the top, read 'disclose,' in place of 'declose.'
- 101 In the 20th & 21st line from the top, read 'intrude,' in place of 'intrue.'



# I N D E X .



## A

Page.

Appropriations specific, to whom, for what and how paid,	24 32 49 65 71
Attornies, no person shall practice as such who is not a citizen resident, except to finish present suits,	28
Violating this prohibition, finable, how much, to what use and how recovered,	29
Forfeits to county, the assignment of right of action made to enable him to appear,	29
Receiving such assignment fineable, how much, to what use and how recovered,	29
Duty of several courts to carry law into effect,	29
Courts failing, fined how much &c.....	30
To prosecute the pleas in the several counties, to be appointed by the governor, their fees, &c.	30
Acts, see laws.	
Artillery corps, see militia.	
Adjutant general, see militia.	
Auditor to procure case,.....	97
Certain acts of, legalized,.....	97
Salary of, .....	96
Required to proceed to collect arrearage taxes,	88 & 89
Appropriation therefor, .....	89 & 90
Appropriation, for contingencies, .....	96
Specific, .....	ibid
For printing laws, .....	84
For printing jour. of both houses of legislature.....	91 109
For door-keeper, .....	112
For William Prince, .....	97
For George Rogers Clark Sullivan,.....	95
For E. Stout, .....	96
For Samuel Gwathmey, .....	97
For Waller Taylor, .....	ibid
For William Prince, .....	ibid
For John M'Candless, .....	94 95 96
For John Badollet, .....	97
For Joshua Bond, .....	96



198 INDIANA HISTORICAL COLLECTIONS

Apportionment of members of house of representatives, . . . 92 & 93  
 Apprentices not to be discharged by judge or justice. . . . 86 & 87  
     Complaint of ill usage parties to be recognized to next  
     court of Common Pleas . . . . . 87

INDEX.

	Page.
Contracts or enlistment of, void, . . . . .	87
Absenting themselves from service, how to be proceeded against, . . . . .	ibid
May appeal in certain cases, . . . . .	88
Must make up lost time, . . . . .	ibid
Attorney general, salary of, . . . . .	96

B

Bastards, relief offered to the mothers of, and how obtained, . .	63
Suit may be brought against the father of, . . . . .	64
Fathers of, to enter into security, . . . . .	ibid
Fact of father of, to be tried by jury, and mother may be a witness, . . . . .	65
Reputed father of, charged with maintainance, . . . . .	ibid
Father neglecting to comply with judgment of court, how proceeded against, . . . . .	66
Beggs James, allowance to, and for what, . . . . .	25
Badollet John, allowance to, . . . . .	97
Bond Joshua, allowance to, . . . . .	96
Battalion, see militia.	
Brigades, see militia.	

C

Courts of Clark and Dearborn to proceed in suits, &c. . . . 15 & 20	
Counties, formation of two new ones out of Clark & Dearborn,	19
Caldwell John, allowance to and for what, . . . . .	25
Chancery, clerk of, to receive fees, what, and how collected, . .	31
Clark county, seat of justice of, to be removed from Jefferson- ville to Charlestown, so soon as jail is built, security given, and lots conveyed, . . . . .	56
Charlestown incorporated, trustees appointed and their powers,	57
Trustees to sell and convey lots, manner thereof, for what use, and how proceeds applied, . . . . .	58
Subscriptions how received and applied, . . . . .	59
Vacancy in trustees how supplied, . . . . .	ibid
Petitioners to, to build court house in, if subscriptions not	

sufficient, ..... ibid  
 Petitioners to furnish court house, ..... ibid  
 Provisions not complied with, act void, ..... ibid  
 Chambers Benjamin, allowance to, for what and how paid,.... 71  
 Clerks of Common Pleas to keep their offices at county seat,.. 78  
 Cavalry, see militia.  
 Contingent fund, see appropriation.  
 Clerks to both houses of legislature, their compensation..... 111  
 Their allowance how to be certified, ..... ibid  
 Compensation to members of legislature, ..... ibid  
 Committee to print laws of eighteen hundred and ten, ..... 83 84

INDEX.

Page.

To procure and print journals of both houses of legis-  
 lature, ..... 108 109  
 Commissions, see militia.  
 Captain, see militia.  
 Colonel, see militia,  
 Company districts, see militia.  
 Court of enquiry, see militia.  
 Court martial, see militia.  
 Commander in chief, see militia.  
 Court of Common Pleas, time of holding in the County of  
 Harrison, ..... 112 113  
 Clark, ..... 113  
 Jefferson, ..... ibid  
 Dearborn, ..... ibid  
 Franklin, ..... ibid  
 Wayne, ..... ibid  
 Circuit courts, time of holding in Harrison, ..... 114  
 Clark, ..... ibid  
 Jefferson, ..... ibid  
 Dearborn, ..... ibid  
 Franklin, ..... ibid  
 Wayne, ..... ibid

D

Deeds, notaries public may take acknowledgments of, ..... 23  
 Downs Thomas, allowance to, for what, and how paid, ..... 24  
 Decker Luke, allowance to, for what, and how paid, ..... 25  
 Davis Thomas T. allowance to, for what, and how paid, ..... 62  
 Division line between Indiana and Illinois territory to be run,  
 in what manner and how expences paid, ..... 79

200 INDIANA HISTORICAL COLLECTIONS

Dearborn, see courts.  
 Delegate, see election.  
 Disqualification, see legislature.  
 Delinquencies, see militia.  
 Divisions, see militia.  
 Door-keeper, allowance to, ..... 112  
     How certified, ..... ibid

E

Execution, lands subject to, through executors or administrators, ..... 34  
     Shall not sell lands if they will rent for the payment of the debts, ..... 34  
     Binds chattels from the delivery to officer,..... 45  
     Officer to endorse time of receiving,..... 46  
     Certain articles exempt from..... 48  
 Eligit, lands may be extended on, and manner thereof,..... 34

Q

INDEX.

	Page.
Ewing Samuel, heirs of relieved, .....	38
Evidence may be perpetuated, and how,.....	41
Duty of courts and clerks therein,.....	42
Emergency, see militia.	
Enrollment, see militia.	
Execution, see militia.	
Election for members of the house of representatives and delegate to congress, when to be holden,.....92	93 94
Vacancies in house of representatives, how supplied,..	93 94
Estray, property in, after a certain time vested in taker up,..	115
Persons working, not to have compensation,.....	ibid
Owner of, may reclaim,.....	ibid

F

Franklin county, formation, boundaries and annuities thereof,	20
Commissioners for fixing seat of justice in, and their duties, and vacancies how supplied, .....	20 22
Common Pleas of, to cause buildings and sit therein,....	21
Where to sit until buildings made.....	22
Frauds and perjuries, leases, except for 3 years to be in writing, .....	43

Assignment of leases to be in writing,..... 44  
 Promises to be performed after a year to be in writing,..ibid  
 Declarations of trust to be in writing,.....ibid  
 Conveyances, trusts, &c. created by operation of law need  
 not be in writing, ..... 45  
 Sale of goods, &c. above 30 dollars not binding unless de-  
 livered in part or earnest paid .....ibid  
 Day of signing judgt. to be entered of record,.....ibid  
 Fees, justices of Court of Common Pleas, repealed,..... 80  
 of Coroner, ..... 81  
 Clerk, .....81 82  
 Recorder, .....81 83  
 Sheriff, ..... 81  
 Fines, see militia,—highways.  
 Franklin, see court.

G

Government seat of, commissioners appointed for fixing of,... 73  
 Petition to congress and for location,.....ibid  
 Governor to notify commissioners of time and place of  
 meeting, ..... 74  
 Vacancies in commissioners how supplied,.....ibid  
 Commissioners to designate the scite,..... 75  
 Disagreeing how they shall proceed,.....ibid  
 Congress refusing donation but allowing pre-emption, what  
 proceedings shall be had,..... 76

INDEX.

	Page.
Commissioners to take oath, and form thereof,.....	77
Compensation of commissioners,.....	77
Town to be laid off, expences how paid,.....	ibid
Gwathmey Samuel, allowance to,.....	97
Granadiers, see militia.	

H

Heth Harvey, allowance to, for what and how paid,.....	24
Hoggat Moses, allowance to, for what and how paid,.....	25
Hayes Samuel, allowance to, for what and how paid,.....	26
Hurst Henry, allowance to, for what and how paid,.....	26 49
Harrison county, bounds of extended and where to,.....	40
Taxes due in the part taken from Clark, to be collected by her officers, .....	ibid

202 INDIANA HISTORICAL COLLECTIONS

Suits between persons living in said lopped off part to be tried in Clark, .....ibid  
 Highways, persons failing to work on, to be returned to justice of the peace, ..... 91  
     Delinquents how fined, .....ibid  
     Fines or delinquencies how collected,..... 92  
 Harrison, see court.

I

Jefferson county, its formation and boundaries,..... 14  
     Seat of justice and commencement of act,..... 15  
 Johnston G. W. allowance to, for what and how paid,.....17 25  
 Johnson John, allowance to, for what and how paid,..... 25  
 Jones William, allowance to, for what and how paid,..... 26  
 Indiana church Incorporated, ..... 33  
 Judgment, day of giving to be entered on record,..... 45  
     Lands bound from the date of,.....ibid  
 Indians, trading with prohibited except under licence,..... 67  
     Produce, meat &c. excepted, ..... 68  
     Places of trading to be designated by governor,.....ibid  
     Traders not to sell or give spirits,.....ibid  
     Violating act, penalty for and how recovered,.....ibid  
     No individual correspondence to be carried on with, except for redress of private injuries, under what penalty,..... 69  
     Governor not to be concerned in trade with, under what penalty, and how recovered, ..... 70  
     Excepting the trade for produce and meat, and giving ardent spirits on account of the United States,.....ibid  
 Infantry, see militia.  
 Indictment, see prosecutor.  
 Justices of peace, see apprentices—highways.  
 Journals of house of representatives and legislative council to be printed, .....90 91 109

INDEX.

	Page.
Jones Peter, allowance to,.....	96 97
Jefferson county, see court.	
Judge advocate, see militia.	

K

Knox county, Common Pleas of adjourned, and to what time, 18  
 Kuykendall Jacob, allowance to, for what and how paid,..... 49  
 Knox county, allowance to, ..... 96



## L

Library Vincennes, authorised to raise money by lottery, the managers their powers and duties,.....	16
Leech George, allowance to, for what and how paid,.....	32
Lower Prairie, fence to be renewed,.....	36
Land liable for repairs,.....	ibid
Animals may be taken up, or &c.....	ibid
If taken up how dealt with,.....	ibid
Gates may be removed when and how,.....	37
Road on river bank to be opened how & by whom.....	38
Dike law repealed,.....	ibid
Proprietors may fence seperately, not interfering with public road and leaving common fence,.....	39
Leases &c. see frauds and perjuries.	
Laws, to amend an act respecting Common Pleas repealed,...	80
Respecting militia to be distributed,.....	109
Of 1810 how to be distributed,.....	84
Of local nature not to be printed,.....	90
Repealed, see tax—fees—prosecutor.	
Legislature, persons holding certain offices ineligible to seat in,	94

## M

Manwarring Solomon, allowance to, for what and how much,	24
Mills, what shall be considered public ones,.....	71
Militia, first sergeants to collect fines and in what manner, ..98	107
Delinquencies by whom certified,.....	98
First sergeants neglecting their duty how fined,.....	99
Troops of cavalry to be attached to regiments,.....	103
Certain fines in respect to militia duty relinquished,.....	99
Time in which enrollment shall be made,.....	ibid
Regiments may consist of more than two battalions, and a battalion of more than four companies, .....	ibid
Captains how and when to make returns,.....	100
Majors to make returns,.....	ibid
Court of enquiry how constituted,.....	ibid
Their oath, .....	ibid
Adj. general to furnish blank forms of returns to officers, ..	ibid
Allowance for same,.....	ibid
Officers &c. for neglect of duty how fined,.....	101

## INDEX.

Page.

Certain musters dispensed with,.....	ibid
--------------------------------------	------

Militia, commanding officer to fix bounds of parade,..... 101  
 Persons intruding on parade how dealt with,.....ibid  
 Officers how to decide and take rank,.....ibid  
 Non-commissioned officers to be classed,.....ibid  
 Non-commissioned officers & privates in cavalry, artillery,  
 rifle and granadier corps how to obtain discharge,..... 102  
 Persons above 28 years of age may join flank companies,.. 103  
 Notice of musters, .....ibid  
 Platoon officers how to be armed,.....ibid  
 Adj. judge adv. & staff officers to have compensation,....ibid  
 Quakers exempt from militia duty,..... 104  
 Subject to additional tax in time of war,.....ibid  
 Commander in chief may call out militia on any emergency,.. 105  
 May introduce system of discipline called new tactics,.. 106  
 May require special returns,..... 105  
 May form independent battalions,.....ibid  
 Militia, commanders of divisions, brigades, regiments and  
 battalions may require special returns,.....ibid  
 Companies in remote settlements how formed,.....ibid  
 Company districts fixed by commanding officer of regt....ibid  
 No officer to treat his men on muster days,..... 106  
 No person allowed to vend strong liquors within 2 miles  
 of parade ground, .....ibid  
 Penalty for offending herein, .....ibid  
 Proviso as to inn-keepers, .....ibid  
 Execution for fines when to be issued,.....ibid  
 Fines how and when to be certified.....ibid  
 Students not exempt from militia duty,..... 107  
 Clerks of regiments to account with colonels,.....ibid  
 Penalty for failure, .....ibid  
 Colonels to account for money received and expended with  
 court of enquiry, .....ibid  
 Militia need not uniform, ..... 108  
 Officers to serve under old comsns. 'till new ones issued,..ibid  
 Laws how to be distributed,..... 109  
 M'Candless John, allowance to,.....94 95 96  
 Members of legislature, their allowance,..... 111  
 How certified, .....ibid

N

Notaries public, may take and certify acknowledgments on  
 deed &c. and their fees, ..... 23  
 Noble James, allowance to, for what and how much.....25 32  
 New Hope Baptist church, incorporated,..... 35  
 Negroes & mulattoes, act for the introduction of repealed,..... 54

## INDEX.

	Page.
Removing of from the territory, unless legally entitled, and having made proof thereof, fined how much, how recovered, & to what use applied, also liable to action & disqualification, .....	54 55
First section of act concerning servants of color, repealed, saving those now in territory,.....	55
Ne exeat, writs of may issue, manner and form thereof, and how proceeded upon, .....	60
Judgment may be taken nisi, .....	61
To be returned by judge, and where to,.....	ibid
Notice of musters how given, .....	103

## O

Overman Ephraim, allowance to, for what and how much,.....	25
Overseers of roads, see highways.	

## P

Prince William, allowance to, for what and how much,.....	25 32
Probate fees, .....	81 82
Printing laws, see committee, appropriation.	
Prosecutor, name of need not be endorsed on presentment or indictment, .....	85 86
Public roads, see highways,	
Prince William, allowance to,.....	97

## Q

Quakers, see militia.

## R

Rue Richard, allowance to, for what and how much,.....	25
Real estates, see execution.	
Roman Catholic church, incorporated,.....	78

## S

Suits and actions, when abating by death may be revived & how, .....	26
Judgment on revival against whom to go, and its effect,..	27
May be opened in two years,.....	ibid
Slander and battery, not revivable,.....	ibid

206 INDIANA HISTORICAL COLLECTIONS

Sheriffs, similar remedies against their duputies, as is provided against themselves, ..... 30  
 Smith William, marriage legalized, ..... 31  
 School section to be leased, in what manner, upon what terms, proceeds how disposed of, &c.....46 47  
 Small causes, constable refusing or neglecting to serve precepts, liable for demand, and how recovered,..... 50  
     Constable failing to make amount of execution, and pay the same over, liable for amount, and how recovered,.....ibid

INDEX.

	Page.
Lands bound from the date of the judgt. and chattles from the delivery of the execution, .....	51
First judgt. to be first satisfied out of the lands, & first execution out of chattles,.....	51
Lands not to be sold if they will extend in 3 years, but delivered over and how,.....	ibid
Appellant to file transcript, .....	ibid
Failing, justice to issue execution on being furnished by appellee with clerk's certificate.....	ibid
Justice with-holding money how proceeded against,.....	52
Warrants &c. issued by one justice may be tried by another, and how, .....	ibid
Executions may be issued by one justice on the judgments of another, and how, .....	53
Bail may have execution in certain cases, & how,.....	ibid
Right of property being contested, constable shall call jury of inquiry, .....	ibid
Steam boat, Ohio navigation company incorporated,.....	61
Sheriff, see fees.	
Salary, see auditor—treasurer—attorney general.	
Sergeants, see militia.	
Students, see militia.	
Staff officers, see militia.	
Seat of government, how to be removed,.....	110
Sullivan G. R. C. allowance to,.....	95
Stout E. allowance to, .....	96

T

Territory, ordinance for government of,.....	3 to 8
Act providing for government of,.....	9
Dividing into 2 separate governments,.....	ibid
Enlarging the Indiana territory,.....	11

Extending jurisdiction to courts of,.....ibid  
 Dividing into two separate governments,..... 12  
 Extending the right of suffrage in,.....ibid  
 Dividing into two separate governments,..... 13  
 Taxes and fees, what officers to collect in Jefferson,..... 15  
     what officers to collect in Wayne and Franklin,..... 20  
 Testimony, see evidence.  
 Treasurer, salary of, ..... 96  
 Tax on law process repealed, ..... 80  
 Tax in arrear, see auditor.  
 Tactics, see militia.  
 Taylor Waller, allowance to,..... 97

U

Uniform, see militia.

INDEX.

Page.

V

Vacancies in legislature, see election.

W

Wayne county, formation, boundaries and annuities of,....19 20  
     Commissioners for fixing seat of justice in, and their  
     duties, and vacancies how supplied, .....21 22  
     Common Pleas to cause buildings, and to sit therein,.... 22  
     Where to sit until buildings made,.....ibid  
 Work John, allowance to, for what and how much,..... 25  
 Wayne, see court.



INDIANA TERRITORY, *ct.*

WE hereby certify, that the foregoing collection has been made in conformity to a resolution of the General Assembly; and that we have examined the printed acts and resolutions, with the originals in manuscript and of file in the Territorial Secretaries office, and find them correctly copied.

GENL. W. JOHNSTON, } *Com-*  
WILL. JONES. } *mittee.*

May 6th, 1811.

A C T S  
OF  
ASSEMBLY  
OF THE  
INDIANA TERRITORY,  
PASSED  
AT THE  
SECOND SESSION  
OF THE  
THIRD GENERAL ASSEMBLY  
OF THE  
SAID TERRITORY,

*Begun and held at the Borough of Vincennes, on  
Monday the eleventh day of November,  
A. D. one thousand eight hundred  
and eleven.*

— : \* : \* : —

PRINTED BY AUTHORITY.

— : \* : \* : —

VINCENNES:  
PRINTED BY ELIHU STOUT  
PRINTER TO THE TERRITORY.

— : \* : —

1811.



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A C T S  
OF THE  
INDIANA TERRITORY,  
PASSED  
A T T H E  
SECOND SESSION  
OF THE  
*THIRD GENERAL ASSEMBLY.*

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CHAPTER I.

AN ACT *Dissolving the Marriage of Jane Richardson, with her  
Husband Jacob Richardson.*

WHEREAS Jane Richardson of Harrison County, hath represented to this General Assembly, that her Husband Proviso. Jacob Richardson, having some years since connected himself with a banditti of horse thieves, who have been so well known in this county, and in consequence thereof was taken from jail to jail for near two years, leaving the petitioner to depend on the charity of her friends for support, and on his enlargement, he abandoned his country leaving the said Jane with two children without any means of support. And whereas, the facts set forth in the said petition, have been fully proved by the affidavit of Clement Nance, and the certificate of Patrick Shields Esq. presiding judge of the common pleas of said county, both of which have been produced—therefore

( 4 )

Marriage  
dissolved.

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the same*, That from and after the passing of this act, the marriage of the said Jane Richardson, shall be and the same is hereby declared to be dissolved, annulled and made void, to all intents and purposes whatsoever, and the said Jacob, and the said Jane shall be, and they are hereby respectively separated, set free and totally discharged from their matrimonial contract, and from all duties and obligations to each other as husband and wife, as fully as if the said contract of matrimony had never been entered into by them.

GENL. W. JOHNSTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—28th Nov. 1811.

WILLIAM HENRY HARRISON.

## CHAPTER II.

AN ACT *to dissolve the marriage of Elizabeth Richardson with Isaac Richardson her Husband.*

Proviso.

WHEREAS Elizabeth Richardson, of Harrison county, by her petition hath represented to this General Assembly, that some time after her marriage with her husband Isaac Richardson, she discovered to her great mortification and regret that he was con-

( 5 )

nected with the banditti of horse thieves who were so well known in the western country some years ago, and in consequence thereof, he was obliged to abandon his home and this country in order to screen himself from



the penalties of the law; leaving her with one child and pregnant with a second, without any means of support, that she has since heard that he has been seen at Natchez in the Mississippi Territory, but where he is now, is unknown—And therefore prays that she may be divorced from her said husband & their marriage dissolved—And whereas this General Assembly are fully convinced that the facts set forth in the said petition are true—Therefore,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the marriage of the said Isaac Richardson with the said Elizabeth his wife, be and the same is hereby dissolved and declared to be null and void as fully and effectively to all intents and purposes as if the said contract of marriage had never been entered into by them.*

Marriage dissolved.

GENL. W. JOHNSTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—5th December, 1811.

WILLIAM HENRY HARRISON.

( 6 )

### CHAPTER III.

*AN ACT authorising the Auditor of Public Accounts to audit interest in certain cases.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same That the Auditor of Public Accounts is hereby authorised, and it is made his duty to take in and audit anew if required, all outstanding warrants in the same manner as is provided by the act entitled “An act for auditing public accounts,” passed during the present session. He shall also if required,*

Auditor to re-audit if required all out standing warrants.

To audit interest if required.

audit interest on all warrants heretofore issued from the date of the warrant up to the time of auditing the same, noting in said warrant that it is for the interest on warrant No.            granted to            naming him.

Penalty for neglect.

§ 2. *Be it further enacted*, That the Auditor failing to comply with the requisitions of this act, shall forfeit for every offence, one hundred dollars for the use of the informer, to be recovered by action of debt. This act shall be in force from and after the passage thereof.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council,*

Approved—5th December, 1811.

WILLIAM HENRY HARRISON.

( 7 )

CHAPTER IV.

AN ACT *providing for the auditing of claims against the Indiana Territory, and for other purposes.*

Claims on territory to be audited & how.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That hereafter all persons that may hold claims against the Indiana Territory, shall have them audited in a bill or bills of one dollar            cents, five dollars            cents, ten dollars            cents, or twenty dollars            cents, as the holder of such claim may think proper.

Auditor to have blanks printed.

§ 2. The Auditor is hereby required to have blanks printed at the expense of the Territory without delay, of the following form, viz.

Form.

No.	dollars	cents	No.
Payable to			or <i>bearer</i> , at the Treasury of the
Indiana Territory			dollars and cents, with interest
			from the date hereof.

Given under my hand the                    day of                    anno  
Domini 181

Auditor of Public Accounts.

the            day of            Anno Domini 181

Auditor of Public Accounts.

§ 3. The auditor shall fill the said forms in the manner the nature of the case may require, and sign it with his name, and audit accounts in no other way, and shall in the margin of the note cause some figure at least in breadth one inch, through which the auditor shall cut the note out of a check book, which the auditor is hereby required and enjoined to keep. How filled.

§ 4. *And be it further enacted*, That the

( 8 )

Treasurer is bound and hereby required to pay over to the holder of such claims on demand, the amount of any note presented for payment, provided there is sufficient money in the treasury of the Indiana Territory. Treasurer to pay amount of notes presented.

§ 5. And it is required of all sheriffs, collectors or others, authorised to collect Territorial dues, to receive the aforesaid bills in discharge of the same, and the said bills are hereby made and declared to be a legal tender, in discharge of such claims. Sheriffs and collectors to receive bills for tax &c.

§ 6 *And be it further enacted*, That any person failing to comply with the requisitions of this act shall forfeit for every offence one hundred dollars, for the use of the informer to be recovered by action of debt quitam or otherwise. Penalty.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—5th December, 1811.

WILLIM HENRY HARRISON.

## CHAPTER V.

## AN ACT for Recording Town Plats.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That any person or persons, that hath

( 9 )

Duty of persons laying off towns.

laid off any town within this territory, or their legal representatives, shall, previous to the first day of June next, cause to be recorded, in the recorders office of the county wherein the same may lie, or be laid off a true copy of the plan of said town, with the publick ground, streets, lanes and alleys, with their width properly marked, and the lots regularly numbered in numerical order, with the size of the lots marked by reference on the map.

Grants to be considered as general warranty.

§ 2. *Be it further enacted,* That any grant to the public, grant or purchase to or by individuals marked or noted as such shall be considered as a general warranty to the public, or such individuals for the uses and purposes intended by the donor.

Laying off additions to be recorded.

§ 3 *And be it further enacted,* That any person or persons, hereafter laying off any town or lots in addition thereto, shall previous to the sale of any part thereof, have the same recorded under the same regulations as aforesaid.

Make oath and record plan.

§ 4. *And be it further enacted,* That before any person or persons, whose duty it may be to comply with the foregoing requisitions, offer for record any paper herein contemplated, shall make oath or affirmation, before some person legally authorised to administer the same, that it is the original plan of the town (naming it) or a true copy of the same—a certificate of which shall be endorsed on the plan of the town so laid out, and form a part of the record.

§ 5. *And be it further enacted*, That any person embraced under the provisions of this

B

( 10 )

act, failing to comply with its requisitions, shall forfeit five hundred dollars for each month they omit to comply with the duties herein enjoined, for the use of the town, to be recovered by action of debt, quitam, or otherwise, in the name of the treasurer of the county. Penalty for failure or neglect.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council,*

Approved—5th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER VI.

AN ACT *to amend an act for the removal of the Seat of Justice of Clark County.*

WHEREAS doubts have arisen whether by the act, to which this is an amendment, the Seat of Justice is removed from Jeffersonville to Charlestown. Proviso.

§ 1. *BE it therefore enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the seat of justice of the county of Clark, shall be in the town of Charlestown. Seat of justice removed & where.

§ 2. *Be it further enacted*, That the trustees of the town of Charlestown, are hereby, or a majority of them, are hereby

( 11 )

authorised and appointed commissioners to receive and



Trustees to  
judge of build-  
ings and  
make report.

judge of the quality of the public buildings, now erecting in the town of Charlestown, so soon as the said buildings shall be completed and make report thereof to the court of common pleas.

Proceedings  
of court in  
Charlestown  
legalized.

§ 3. Whereas doubts have arisen, whether the proceedings of the court of common pleas of said county, in indictments or suits and other cases in said court, held at the town of Charlestown, are legal, in consequence of the dispute, whether the said town was the seat of justice from and after the tenth day of February last.—Be it therefore enacted, that the proceedings of the said court, in indictments, suits and other cases, be and the same are hereby legalized—any other law, custom or usage to the contrary notwithstanding. This law to take effect from and after the passage thereof.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—5th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER VII.

AN ACT for fixing the permanent seat of justice in and for the County of Franklin.

WHEREAS it hath been represented to

( 12 )

Proviso.

this general assembly, that the commissioners appointed by the act entitled an act, for the formation of two new counties out of the counties of Dearborn and Clark; have in pursuance of the powers vested in them by the said act, fixed and established the permanent seat of justice for the county of Franklin, in the town of Brookville, in

the said county. And whereas it hath also been represented, that the said commissioners did not fix and establish the same within the time prescribed in and by the before recited act, whereby it is manifest that this their act is null and of no force or virtue, without the same is confirmed by the Legislature. And whereas also the citizens of the said county, have prayed this General Assembly to ratify and confirm the same. Therefore,

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the seat of justice in and for the said county of Franklin, be and the same is hereby permanently fixed and established on the public square, in the town of Brookville, in the said county. This act shall take effect and be in force from the passage hereof.

Permanent  
seat of justice  
fixed &  
where.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—5th December, 1811.

WILLIM HENRY HARRISON.

( 13 )

## CHAPTER VIII.

*AN ACT fixing the Salaries of certain Officers.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That there is allowed and shall be paid out of any monies in the treasury, not otherwise disposed of in half yearly instalments, upon the certificate of the Auditor, as in other cases, to the following officers in full of their salaries the following sums, *to wit:*

Allowance  
to certain  
persons for  
their services.

To the Auditor of public accounts, three hundred and twenty five dollars per annum.

To the auditor.

To the territorial treasury, one hundred and seventy five dollars per annum.

To the treasurer.

To the attorney general, one hundred and fifty dollars per annum.

To the attorney genl.

GENL. W. JOHNSTON.  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—5th Dec. 1811.

WILLIAM HENRY HARRISON.

CHAPTER IX.

AN ACT *Supplementary to an act entitled an act, for the formation of two new Counties out the Counties of Dearborn and Clark.*

§ 1. *BE it enacted by the Legislative*

( 14 )

*Council and House of Representatives, and it is hereby enacted by the authority of the same, That the seat of justice for the county of Wayne, be and it is hereby established on the public square, in the town of Salisbury, in the aforesaid county, on fractional section No. 1, town 13, range 2, west of a meredian line drawn from the mouth of the Great Miami river. This act shall take effect and be in force from and after the passage thereof.*

Seat of justice fixed & where.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved, December 5th, 1811.

WILLIAM HENRY HARRISON.

CHAPTER X.

AN ACT *for the relief of the securities of John M'Candless, late Sheriff of Knox county, and Spier Spencer, late Sheriff of Harrison county, deceased.*

WHEREAS it is represented to this general assembly that the decedents have not settled up the revenue due to the counties and territory, for the year eighteen hundred and eleven; and whereas it is also represented that there are a variety of taxes, both county and territorial, due, and remaining unpaid, to the said sheriffs, deceased, and further, that the representatives of the said decedents have not power by any existing

Proviso.

( 15 )

law to complete the collection of the taxes so remaining in arrear and unpaid.

*BE it therefore enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the executor or executors, administrator or administrators of the said John M'Candless and Speir Spencer, or any person or persons under them, to proceed by distress or otherwise, to complete the collection of the said taxes due, as well for the year eighteen hundred and eleven, as for any year pending the sheriffalty of the said decedents.

Exor. or administrator may proceed to collect or to have it done.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—5th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XI.

AN ACT *in amendment and aid of the law, intituled an act regulating prison and prison and prison bounds.*

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That so much of the act to which the present is an amendment, and aid as restricts and limits

Court of common pleas to lay off prison bounds.

the courts of common pleas, in laying off the prison bounds of their respective counties to two hundred yards from and a-

( 16 )

round the county jail, be and the same is hereby repealed. And that henceforward the said several courts of common pleas in their respective counties, may and they are hereby authorised to extend the said prison bounds to any distance at their discretion, not exceeding one hundred and twenty perches in any direction from the said jail.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—5th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XII.

AN ACT *to amend an act entitled an act to encourage the killing of Wolves.*

Proviso. WHEREAS the law to which this is an amendment, makes it necessary that the person killing a wolf should produce the head with the ears before a justice of the peace before he could obtain a certificate, which is often impracticable, and always attended with unnecessary trouble.

Justice to grant certificate for wolf scalp. § 1. THEREFORE *be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That it shall be sufficient to produce the whole skin of the face of a wolf with the ears entire, and make oath as prescribed in the law to which this is an amendment, then the justice is to grant a certificate



( 17 )

to any person killing a wolf in the bounds of their respective counties, and the person so killing any wolf shall be entitled to receive one dollar for each wolf so killed by applying to the treasurer of the county for the same, provided there is money in the treasury subject in all other cases to the requisitions of the above recited act. This act to take effect and be in force from and after the passage thereof.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council,*

Approved—5th December, 1811.

*WILLIAM HENRY HARRISON.*

### CHAPTER XIII.

AN ACT *to dissolve the marriage of Marian Bornand with Henry S. Bornand, her husband.*

WHEREAS sufficient evidence has been produced to this general assembly that Henry S. Bornand has abandoned his wife Marian Bornand, formerly Mariann Galy and her four children to penury and want, and that there is no hope of his providing for her or them as a husband ought to provide for his wife and children, for remedy whereof.

*BE it enacted by the Legislative Council*

C

( 18 )

*and House of Representatives, and it is hereby enacted by the authority of the same, That the bands of matrimony heretofore contracted between the said Henry S. Bornand and Mariann his wife formerly Mariann Galy,*

be and the same is hereby dissolved from and after the passage hereof; and that the said Marian Bornand, formerly Marian Galy, be, and is hereby as completely freed from the bands of matrimony contracted with the said Henry S. Bornand as if the said marriage had never been contracted or solemnized.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

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#### CHAPTER XIV.

AN ACT for the relief of Daniel Sullivan, late Assessor for the County of Knox.

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the territorial auditor be, and he is hereby authorised to settle with and audit to Daniel Sullivan, assessor of the county of Knox, for the year of one thousand eight hundred and six, at the rate of ten cents for*

( 19 )

each claimants name contained in the abstract furnished the said assessor by the late auditor.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th Dec. 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XV.

AN ACT *for the relief of Parmenas Beckes, late Sheriff of Knox county.*

WHEREAS Parmenas Beckes of Knox county acted as sheriff of said county in holding the elections in the years eighteen hundred and eight and eighteen hundred and ten, and agreeable to law was forced to send persons to each township to hold said elections at a considerable expense, together with a great deal of labor, for which no compensation by law was made—therefore.

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That there be allowed to Parmenas Beckes, the sum of fifty dollars, in full for his said services, and the court of Common Pleas are hereby required to allow the same, to be*

( 20 )

paid out of the treasury of the county of Knox.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIM HENRY HARRISON.

## CHAPTER XVI.

AN ACT *regulating the General Elections of the Indiana Territory.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the first general election in pursuance of this act, shall be held in the several and*

Time and  
place of holding  
elections.

How con-  
ducted.

respective counties within this territory, on the first Monday of August next, and on the first Monday of August biennially thereafter, which shall be held and conducted by judges, inspectors and clerks, to be appointed and chosen in manner hereinafter directed, and no person shall be admitted to vote at any general or special election, directed to be holden by this act, other than each and every free white male person who shall have attained the age of twenty one years, and who shall have paid a county or territorial tax, and who shall have resided one year in this territory, previous to any

( 21 )

general election, and be at the time of any such election a resident of this territory, may vote for members of the Legislative Council and House of Representatives of the territorial legislature, and for a delegate to the congress of the United States, for said territory.

Court to ap-  
point persons  
to hold elec-  
tions.

§ 2. *Be it further enacted*, That the judges of the court of common pleas for the several and respective counties in this territory, shall at their term held, next before the first Monday of August next, and the first Monday of August biennially thereafter, appoint in every township which now is or hereafter may be established in their respective counties, one qualified elector, resident in the township as an inspector, who shall attend at the place appointed by the said judges for holding the election of the township for which he may be appointed, in order to perform the duties hereinafter assigned to inspectors by this act, and the clerks of the courts of common pleas in their respective counties, shall within two days after the appointment of such inspectors has been made, deliver a certified transcript of the said appointments to the sheriff of the proper county, who shall serve a copy of the same on each of the said inspectors at least five days before the day of election—and every sheriff failing to perform his duty herein, shall forfeit one hundred dollars for every such offence recoverable

Clrks to de-  
liver certifi-  
ed copy to  
the sheriff.

Duty of shff.

Penalty.

by action of debt or otherwise, in the name of the person who may sue for the same.

§ 3 *And be it further enacted*, That the judges of the court of common pleas, in the several counties in this territory, shall make

( 22 )

out in a proper manner, a sufficient number of blank forms and returns for the different townships in their respective counties, and headed as the nature of the election may require, which blank forms and returns the said judges, are hereby directed to cause to be delivered to the said inspectors, on or before nine o'clock, of the morning of the election, under the penalty of fifty dollars, on each judge for every such neglect, to be recovered by action of debt in the name and for the use of any person who may sue for the same.

Court to furnish forms for returns.

§ 4. *Be it further enacted*, That the inspectors appointed as aforesaid, shall meet at nine o'clock in the forenoon of the day of election at the places respectively appointed, for holding the same, for the township to which they belong, and shall take to his assistance, three respectable freeholders of the township qualified to vote, who shall be judges of the election in the said townships respectively, and the judges and inspectors chosen and appointed in manner aforesaid, shall appoint two respectable qualified electors as clerks of the election, who shall be forthwith sworn or affirmed by any judge of the general court or court of common pleas, or justice of the peace who may be present, but if no judge of the general court, or court of common pleas, or justice of the peace be present at the election, one of the judges of the election after first having the oath or affirmation required by this act, administered to him by the other judge, shall administer the oaths or affirmations, to the other judges and to the inspector and clerks,

Duty inspectors of elections.

To appoint a clerk and his duty.



( 23 )

and as soon as the inspector, judges, and clerks shall be severally sworn or affirmed, the said clerks or one of them shall make out two copies of the forms of the several oaths or affirmations which shall be subscribed by the said inspector judges and clerks and be deposited and filed in manner hereinafter directed.

Forms of the  
oaths.

Inspector's  
oath.

§ 5. *Be it further enacted*, That the following shall be the form of the oath or affirmation to be taken by each inspector, viz.—I, A B, do swear, (or solemnly, sincerely and truly declare and affirm) that I will duly attend at the ensuing election, during the continuance thereof as an inspector, and that I will not receive any ticket, or vote, from any person or persons, other than those I shall firmly believe are according to the provisions of the act entitled An act regulating the general elections of this territory, entitled to vote at the same, without requiring such evidence of their right to vote as is directed to be given by the said act, nor will I vexatiously delay or refuse to receive any vote from any person I shall believe is entitled to vote as aforesaid, but will in all things truly, impartially and faithfully perform my duty therein to the best of my judgment and abilities."

Judge's oath

And the following by each judge viz.—I, A B, do swear [or solemnly, sincerely and truly declare and affirm] that I will, as one of the judges, duly attend the ensuing election, during the continuance thereof, and faithfully assist the other judges and inspector in carrying on the same, that I will not give my consent that any vote shall be received from any person or persons oth-

( 24 )

er than those I shall firmly believe, are according to the provisions of the act, entitled An act regulating the general elections within this territory, entitled to vote at the said election, without requiring such evidence of their right to vote, as is directed to be given by the said act,

and that I will use my best indeavours to prevent any fraud, deceit or abuse in carrying on the same, by persons qualified to vote, or others, and that I will make a true and perfect return of the said election, and in all things truly, impartially and faithfully perform my duty respecting the same, to the best of my judgment and abilities.' And the following by each clerk viz,—I, A B, do swear [or solemnly, sincerely and truly declare and affirm] that I will impartially and truly write down the name of each elector who shall vote at the ensuing election, which shall be given me in charge, and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the judges thereof, and in all things truly and faithfully perform my duty respecting the same to the best of my judgment and abilities.

Clerks oath.

§ 6. *Be it further enacted*, That if any inspector shall not attend at the proper place of election, on or before nine o'clock of the forenoon of the day of election, such delinquent shall forfeit and pay the sum of fifty dollars, provided he hath had due notice of his said appointment, and every vacancy happening as aforesaid shall be supplied by a majority of the qualified electors, of the township then present at the time aforesaid

Penalty on inspector failing to attend & his place how supplied.

( 25 )

and the person so elected, shall perform all and singular the duties to the office of inspector belonging, and shall be subject to the same penalties for the non-feasance, the mis-feasance or mal-feasance in said office as though him or them had been appointed in manner herein first before directed.

§ 7. Whereas the freedom and security of elections is of the utmost importance to the public welfare, therefore, be it further enacted, that all elections by the people for members to either branch of the territorial legislature or for a delegate to the congress of the United States shall be by ballot free and voluntary.

Proviso.

Duty of in-  
spector.

§ 8. *Be it further enacted*, That in receiving the tickets from the electors at the place of election, the inspector shall sit at the door, or window, of the house where the election shall be holden and shall not receive any votes or tickets from any person or persons whatever, other than the electors residing within their several townships, and the name of each elector, whose ticket shall have been received, shall be called out aloud by the inspector, who shall receive the same, and shall be entered by the clerks in separate lists, and the name repeated by them, and no person shall be admitted to vote, unless he produce a receipt for the payment of a territorial or county tax, or give other satisfactory evidence, either on his own oath or affirmation or otherwise,

D

( 26 )

that he hath paid such a tax, and resides within the township, which oath or affirmation the inspectors are hereby authorised to administer.

Time of opening & closing election.

Manner of voting.

§ 9. *Be it further enacted*, That every general election to be holden in pursuance of this act, shall be opened between the hours of ten and eleven o'clock in the forenoon of the day of election, and shall continue open without any interruption or adjournment, until six o'clock in the afternoon of the same day, and no voter shall vote but once, and shall deliver to the inspectors of his township a written ticket containing the name or names of the person or persons he wishes to vote for, after the following manner, viz. delegate to congress, A. B. for the legislative council, C. D. Representative E. F. when all of those officers are to be chosen, and when more than one of each is to be chosen, the names shall be inserted under each other, and when only one or two of those officers are to be chosen, [as the case may be] the ticket shall be formed in the same manner so that each vote put in one ticket and no more, and the several

voters shall fold up their said ticket and shall thus give their votes secretly, and the same ticket and no other being received by the inspector, shall be deposited by him in a box kept for that purpose until the poll be closed, and if any judge of the election, inspector or other person or persons before the polling of the tickets be closed shall unfold, open or pry into any such ticket with design, to discover the names of the candidate or candi-

Penalty for violation of duty by inspector, judge, &c.

( 27 )

dates therein, shall forfeit and pay the sum of fifty dollars to the party grieved, to be recovered with costs by bill plaint or information in any court of record in this territory, and if any elector shall offer any more than one ticket of each kind before specified, with a fraudulent design, every such person shall forfeit and pay the sum of fifty dollars for every such offence, to be recovered in manner last aforesaid, and shall moreover forfeit his vote at such election.

Penalty on persons offering to vote twice.

§ 10. *Be it further enacted,* That when the poll shall be closed, the aforesaid boxes wherein the folded papers or tickets are deposited, shall be opened one by one, and the judges, in the presence of the inspector shall deliberately take out the said papers or tickets, and read aloud the name or names written thereon respectively, whilst the clerks shall carefully enter and keep an account of the same on paper prepared for that purpose, so that the number of votes for each candidate, tallied thereon may be readily cast up and known, but if upon opening any of the said tickets there be found more names written on any of them than there ought to be, or if any two or more of such papers be deceitfully folded together, such tickets shall be rejected and not counted among the votes which shall be noted on the lists aforesaid specially by the clerks under the direction of the said judges and inspectors.

Boxes opened & tickets counted &c.



After votes counted judges to certify.

§ 11. *Be it further enacted,* That as soon as all the votes shall be read off and counted the judges of each township shall make out under their hands a fair state and certificate

( 28 )

Judges and sheriff to meet in five days after election.

Make out duplicate returns, &c.

of the number of votes which shall have been then and there given for each candidate, distinguishing the station or office he was voted for, which number shall be expressed in words at length, and not in figures only, and one of the said judges shall take charge of such certificate, and on the fifth day after the day of election produce the same in a meeting of one judge from each township within the same county at the court house, at which time and place the sheriff of the proper county shall also meet with the said judges who, together with the said sheriff shall add together the number of votes which shall appear to be given for any representative or representatives, councillor, or delegate to the congress of the United States, and shall forthwith make out duplicate returns of the election of such person or persons as shall be so elected and chosen for any office, and having lodged one of each of the said returns in the office of the clerk of the court of common pleas of the county, the other shall be transmitted by the said sheriff to the office of the secretary of the territory, and shall also transmit to the several persons elected a certificate of such election.

Tickets list of voters tally papers &c. how disposed of.

§ 12. *Be it further enacted,* That as soon as any election shall be finished the tickets, one of the lists of voters, tally papers, one of the certificates of the oath or affirmation taken and subscribed by the inspector, judges and clerks shall be all carefully collected and deposited in the boxes herein before mentioned, and the boxes being closely bound around with tape, shall be sealed by the judges and inspector of the election and



( 29 )

shall be delivered by one or more of them to the nearest justice of the peace of the county, to be kept by him, to answer if need be, the call of a committee of the Legislative Council or House of Representatives, who may be appointed to try the merits of any such election; and if any judge of the election, inspector or clerk, or other person, shall deface, alter, embezzle or destroy any of the said tickets, lists or tally papers, or certificates, such person so offending shall forfeit and pay the sum of five hundred dollars for every such offence, to the person who shall within the space of six months thereafter sue for the same by action of debt in any court of record within this territory, and shall moreover suffer imprisonment for a term not exceeding six months, and any such justice who shall refuse to receive the said box, or having received the same, shall neglect the safe keeping thereof, shall forfeit and pay five hundred dollars to be recovered in manner last aforesaid, and the other lists of voters and certificates of the oath or affirmation of the judges, inspector and clerks, shall be inclosed in a sealed cover by the said judges and directed to the clerk of the court of Common Pleas of the proper county, and shall by some one of them be delivered into his office at the time they are herein before directed to deliver the returns of said election, when the same, together with the said returns shall be filed, and it shall be the duty of the said clerk to give a copy of said lists and returns to any person or persons applying for the same, on payment of the usual fees as in other cases.

Penalty for defacing embezzling &c. tickets, lists, &c. and how recovered.

Penalty on justice for refusing to receive box, &c.

( 30 )

§ 13. *Be it further enacted*, That when in consequence of any vacancy by death, resignation or otherwise in the house of representatives, the governor shall issue his writ, and therein command the sheriff of the proper county, on a day certain to hold an election, to supply

How vacancies supplied.

such vacancy, which writ shall be delivered to the sheriff at least ten days before the day appointed for holding such election, who shall forthwith give due and public notice thereof throughout the county, at least five days before the day of such election, and shall send a copy thereof to each of the judges of each township in his proper county, and such election shall be holden and conducted in like manner as is herein before directed, and the judges and inspectors chosen for and before the next preceding general election, shall attend at and serve as such respectively at such occasionally elections—and when the governor shall by proclamation direct any vacancy in the legislative council or delegate to congress to be supplied, such elections shall be holden in manner last before directed.

§ 14. *Be it further enacted*, That any elector who shall receive any gift or reward for his vote in meat, drink, monies or otherwise, shall forfeit and pay any sum not exceeding fifty dollars and suffer imprisonment, for a time not exceeding three months as the court of the proper county wherein such offender shall be convicted shall upon due consideration of the case think proper to award against him, and if it be made appear to the satisfaction of the proper court, that

( 31 )

Penalty for  
bartering  
votes, &c.

Penalty for  
using vio-  
lence threats  
&c. at electi-  
ons.

any election to be holden under this act any intimidation, threats, force or violence hath been used with design to influence unduly, or to over awe such election, or to restrain the freedom of choice, or if any officer of the election shall be threatened, or violence used to his person, or interrupted in the execution of his duty every person who shall be guilty of such intimidation, threats, violence or interruption, being convicted thereof, shall be fined and imprisoned for the same, at the discretion of the court, not exceeding six months imprisonment nor exceeding fifty dollars fine, and any person who shall bribe as aforesaid or who shall promise or attempt either

directly or indirectly to give or bestow any reward as aforesaid, in order to procure any person to be elected, shall upon conviction thereof be liable to a fine and imprisonment, at the discretion of the court within the limitation next before mentioned.

§ 15. *Be it further enacted*, That if any person, in taking an oath or affirmation required by this act, be guilty of wilfully and corruptly making a false oath or affirmation, or if any person shall procure any other person to make any such false oath or affirmation and be convicted thereof by a jury of the proper county, every such person so offending shall suffer such penalties and disabilities as are incurred on conviction of wilful and corrupt prying or subornation of prying respectively.

Penalty for swearing false &c.

Judges of court to furnish boxes.

§ 16. *Be it further enacted*, That the jud-

( 32 )

ges of the court of common pleas of the proper county, shall out of the county-stock provide sufficient and suitable boxes for depositing the tickets taken in by the inspector of the several townships, and after the election shall be finished, the same boxes shall be given in charge to some justice of the peace of the neighborhood to be kept till the next Election.

§ 17. *Be it further enacted*, That if any judge of the election, inspector or clerk acting under this act, shall be duly convicted of any wilful fraud in the discharge of the duties enjoined or required of him or them by this act not otherwise provided for, he or they shall forfeit and pay the sum of five hundred dollars, and shall moreover be disqualified for the term of four years from holding any office of honor, trust or profit in this territory, and if any person appointed to be a judge of election, inspector or clerk, other than candidate or candidates at any of the elections directed and regulated by this act, shall neglect or refuse to take upon himself the

Judge, inspector or clerk of election guilty of fraud how punished.

§ 15, l. 9. The enrolled act reads: "Corrupt perjury or subornation of perjury respectively."—ED.

duties appointed herein, or having taken upon himself the said duties, shall afterwards neglect to do or perform the same in the manner by this act required, shall forfeit and pay one hundred dollars for every such offence, and if any judge or judges of the court of common pleas, or clerk of the court of common pleas shall neglect or refuse to do and perform the duties enjoined upon them in the manner required by this act, or shall wilfully misbehave in doing thereof, he or they shall for-

( 33 )

feit and pay five hundred dollars in the name and behalf of the person injured to be recovered by action of debt or otherwise.

Compensation to persons holding elections.

§ 18. *Be it further enacted*, That the several clerks of the several elections, which may be holden as aforesaid, shall be intitled to and receive out of their respective county treasuries upon the order of the court of common pleas, the sum of one dollar and fifty cents each per day, and the several judges who may and do attend with the lists of polls and herein before mentioned, shall be entitled to, and receive in manner herein last above described, the sum of ten cents per mile from the place of holding the election to the county seat.

Repealing clause.

§ 19. *Be it further enacted*, That all laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed. This act to take effect and be in force from and after the passage hereof.

GENL. W. JOHNSTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XVII.

AN ACT to dissolve the Marriage of Benjamin V. Beckes, and Sally his Wife.

*BE it enacted by the Legislative Coun-*

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( 34 )

*cil and House of Representatives, and it is hereby enacted by the authority of the same, That the bond of matrimony between Benjamin V. Beckes and Sally Harbin, be, and the same is hereby dissolved from this day; and that the said Benjamin V. Beckes is now as completely freed from the bonds of matrimony as if he had never contracted them.*

GENL. W. JOHNSTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—17th Dec. 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XVIII.

AN ACT regulating the proceedings in Indictments.

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That in all prosecutions by indictment or information the defendant or defendants as the case may be, may plead the general issue and give the truth of the matter of justification in evidence, or such defendant or*



defendants, may plead such matter of justification specially.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS.  
*President of the Legislative Council.*

Approved, December 17th, 1811.

WILLIAM HENRY HARRISON.

( 35 )

CHAPTER XIX.

AN ACT *for the relief of James Hamilton, Sheriff of Dearborn county.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the judges of the court of common pleas of the county of Dearborn, be and they are hereby appointed commissioners, and are hereby authorised and empowered to receive evidence of all or any matters relating to certain delinquencies of the land tax for the said county of Dearborn for the years one thousand eight hundred and six, seven, eight, nine and ten, and on the said James Hamilton's producing to the said commissioners or a majority of them satisfactory proof or evidence of his having proceeded in demanding legally the said taxes, and of his having fulfilled the law in advertising the said lands and exposing the same to sale, and that the said lands are or could not be sold for want of bidders or purchasers, then they, the said commissioners or a majority of them, shall certify under their hands and seals, that the said James Hamilton, has produced satisfactory proof that so much is or are delinquent and are in arrears, and that he has produced to them proof of his having legally proceeded in endeavoring to collect the same and that the same could not be legally collected, which certificate or attestation of the said commissioners or a majority of them shall authorise the auditor to account with, give credit for, or default so much as the said certificate shall amount to, to and with the

Judges to act as commissioners to settle with the collector.

Commissioners to give a certificate.

( 36 )

said James Hamilton, as also to account with him for the amount of the interest which might be due on the said delinquencies or arrearages.

§ 2. *Be it further enacted*, That it shall be the duty of the auditor of the Indiana territory to stay, withhold, or postpone issuing any execution or executions against the said James Hamilton or his securities for any judgment or judgments which he may have obtained against him or them for any arrearages of taxes or territorial dues whatsoever for the space of four months from this date, so that the said James Hamilton may have time and opportunity to collect and produce the evidence contemplated by this law.

Auditor to stay executions for four months.

§ 3. *Be it further enacted*, That when the said collector shall attend as aforesaid for the final settlement of his account with the territory, the same shall be made between him and the auditor for the years, 1806, 1807, 1808, 1809, and 1810 notwithstanding, and leaving out of view a receipt or quietus obtained by the said James Hamilton from the former auditor, and the judgment obtained in the name of the territory against the said collector.

What years to settle for

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

( 37 )

## CHAPTER XX.

AN ACT *respecting the General Fund.*

WHEREAS by a joint resolution passed at the first session of the third general assembly of this territory, entitled a resolution for ascertaining and collecting the arrearages of the territorial tax. The auditor of public

Proviso.

accounts was therein directed to raise and open certain accounts, and also to procure from the several clerk of the courts of common pleas, abstracts of the lands taxed for territorial purposes, and for defraying the expense thereof—there was appropriated the sum of one hundred and fifty dollars. And whereas the said auditor hath reported to this general assembly that the aforesaid one hundred and fifty dollars has remained untouched—Therefore

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the said appropriation of one hundred and fifty dollars, be, and the same is hereby transferred to the general fund of said territory and to become a part of the same as effectually as though the said resolution had never been passed.*

Transferred  
to general  
fund.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

( 38 )

## CHAPTER XXI.

*AN ACT repealing the benefits of the act concerning Executions in certain cases.*

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That on judgment or judgments hereafter obtained against any collector or collectors of public revenue they shall not on execution or executions issued against them be entitled to any of the benefits of the law entitled an act concerning executions, approved on the seventeenth day of September, one thousand eight hundred and seven, any thing in the said act to the contrary thereof in any wise notwithstanding.*

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XXII.

AN ACT *authorising the Courts of Common Pleas to issue Writs of Habias Corpus and Certiorari in certain cases.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it*

( 39 )

*is hereby enacted by the authority of the same,* That the courts of common pleas of the several counties in this territory or any judge thereof in vacation, shall and they are hereby authorised and empowered to issue writs of *habias corpus ad subjiciendum*, and to cause to be brought before them any or either of them, any person committed to prison, and to remand, discharge or take bail for the appearance of such person according to law— Provided always, that whenever it shall appear that any person has been committed for any crime exclusively cognizable by the superior court, it shall be the duty of the court or the judge thereof who may examine into the matter to remand such person to prison.

Judges to issue writs of *habias corpus*, &c.

§ 2. *And be it further enacted,* That the said courts of common pleas or any judge thereof in vacation, shall and they are hereby authorised to issue writs of *certiorari*, to remove any suit or action which may be improperly instituted and conducted by any justice of the peace within this territory, either before or after judgment shall have passed on the said suit or suits or action. And it

Judges of common pleas to issue writs of *certiorari*.

Duty of justice of peace on certiorari.

shall be the duty of said justice of peace to whom any of the said writs of certiorari shall be directed either before or after judgment as aforesaid, to make out a fair transcript of the record of said suit or action, so far as the same shall have progressed, and certify the same which shall be returned to the said court from whence the said writ shall have been issued, together with the said writ of certiorari, provided however that the said court or any judge thereof who may al-

( 40 )

low the said writ of certiorari, shall upon allowance thereof take bail with sufficient security in a bond, conditioned that the said person applying for the said writ, will prosecute the same without delay and will abide the order of the said court thereon.

Duty of court on return of certiorari.

§ 3. *And be it further enacted*, That if upon the return of the said writ of certiorari together with the aforesaid transcript, it shall appear to the said court, that the said suit or action, shall have been improperly instituted or conducted, they shall and may reverse the proceedings either in whole or in part and may send it back for trial to the justice of peace before whom it originated if in the opinion of the said court it appears to be a cause properly triable by a justice of the peace, or if it shall appear to them that the said cause is not properly cognizable before the said justice of peace the same may be dismissed—Provided however, that it shall not bar the plaintiff's claim in a future action brought before a court having competent jurisdiction thereof.

Duty of person applying for writ of certiorari.

§ 4. *And be it further enacted*, That it shall be the duty of the said party or parties applying for the said writ of certiorari, at the time of such application to make out in writing a fair statement to the satisfaction of the said court or in vacation to the satisfaction of the judge, to whom he may apply for the same—stating particularly the points or causes of complaint, which court if in term shall and may direct the said writ to issue, and if allowed



by any judge in vacation, he shall endorse on the back thereof (I allow this writ) and sign his name thereto,

( 41 )

and any justice of peace failing or neglecting to obey the same shall be liable to the penalty of forty dollars to be recovered in the name and for the use of the party injured with costs of suit.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

### CHAPTER XXIII.

AN ACT for the relief of *Willis W. Goodwin, late Sheriff of Clark county.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the judges of the court of Common pleas of the county of Clark, be, and they are hereby appointed commissioners, and are hereby authorised and empowered to receive evidence of land being twice entered within the said county of Clark for the years 1808, 1809 and 1810, and on the said Willis W. Goodwin producing to the said commissioners, or a majority of them, satisfactory evidence of lands being twice entered, and upon they the said commissioners or a majority of them certifying under their

Judges to act as commissioners to settle with Goodwin.

( 42 )

Commissi-  
oners to give  
certificate.

Auditor not  
to have exe-  
cution issued

hands and seals, that from sufficient evidence produced to them of lands being twice listed, the said Willis W. Goodwin is entitled to a credit, naming the sum, accompanied by a list of the land, and names of the persons in whose names it was improperly listed upon, upon such certificate being produced to the auditor, he is hereby required to give credit for the same; and it is hereby made the duty of the auditor to postpone the issuing execution against the said Willis W. Goodwin for two months, so that an opportunity of forwarding the evidence of improper listing of lands may be allowed.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XXIV.

AN ACT *for the relief of Daniel Sullivan, late Collector of the county of Knox.*

Auditor to  
audit to D.  
Sullivan.

BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the territorial auditor be, and he is hereby authorised and required to allow Daniel Sullivan, collector of taxes for the county of Knox, in the year one thousand

( 43 )

eight hundred and six, the sum of sixty-five dollars and seventy-one cents, with interest thereon from the eleventh of September, one thousand eight hundred and ten, being

the amount which he claims for delinquencies and over charges in the duplicate for that year.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XXV.

AN ACT *supplementary to the act entitled, an act regulating the General Elections of the Indiana Territory.*

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the citizens of this territory qualified to vote agreeably to the provisions of the act entitled, an act regulating the general elections of the Indiana territory, shall on the first Monday of August next, and on the first Monday of August biannually thereafter, elect one delegate to the congress of the United States, at the same place, in the same manner, and under the care and regulations

Time of holding election

( 44 )

of the same officers as is provided in and by the said recited act.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved, December 17th, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XXVI.

AN ACT *authorising the Court of Common Pleas of Dearborn County to allow the Sheriff thereof compensation for certain services.*

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the court of common pleas of Dearborn county, be and they are hereby authorised to audit and allow to the sheriff of the said county such compensation as they may deem reasonable for his services and trouble in holding the elections in the said county since the same was divided into election districts payable out of the treasury of the said county of Dearborn.*

GENL. W. JOHNSTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—17th Dec. 1811.

WILLIAM HENRY HARRISON.

( 45 )

## CHAPTER XXVII.

AN ACT *for regulating the appointment of officers and for other purposes.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That no person shall hereafter be appointed to any office of trust, honor, or profit within the Indiana territory who is not entitled to the right of suffrage.*

§ 2. *And be it further enacted by the authority aforesaid, That hereafter when any fines are assessed, laid or collected by any justice of the peace within any county of*

Court to allow sheriff for certain services.

No person not entitled to right of suffrage eligible to office.

this territory, for crimes or misdemeanors properly cognizable by them or any of them and the said justice of peace or justices of peace, who may levy assess or collect the said fines, shall refuse or neglect to pay over the said fines as directed by law, the said justice or justices so neglecting or refusing to pay the same as aforesaid, shall each and every of them be liable to the penalty of forty dollars for each and every such neglect or refusal, one half to the use of the county in which such justice of peace resides and the other half to the use of any person who will sue for the same and costs of suit to be recovered in any court having competent jurisdiction thereof.

Justices of peace not paying over fines collected by them, how punishable.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council,*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

( 46 )

#### CHAPTER XXVIII.

AN ACT *in aid and amendment of the act allowing foreign attachments and the act prescribing the mode of proceeding against absconding Debtors.*

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That where any debtor, leaves or is about to leave his usual place of abode, or sojourning in any county of this territory, so that the ordinary process of law cannot be served upon him. It shall and may be lawful for any person or persons being his, her or their creditor to proceed against such debtor in the same manner as is provided by law against absconding debtors; any law custom or usage to the contrary hereof in any wise notwithstanding—Provided however, that this law shall not extend to or embrace any person or persons who may

Debtors absconding or about to abscond how to be proceeded against.

Proviso in favor of those whose families bona fide remain.



leave his or her family in the said county bona fide settled therein.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAs. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

( 47 )

## CHAPTER XXIX.

AN ACT *in amendment and aid of the law entitled "An act for opening and regulating Public Roads and Highways.*

Part of former law repealed.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That so much of the above recited act as authorises the courts of Common Pleas in the several counties within this territory, to cause to be opened a Public Road or Highway of the width of sixty-six feet, be, and the same is hereby repealed, and that all public roads and highways which may hereafter be laid out under the authority of the said several courts shall be of the width of thirty-three feet, and no supervisor or supervisors shall hereafter open, or suffer to be opened any road exceeding the said width.

Public roads to be 33 feet in width.

Part of former law repealed.

§ 2. *And be it further enacted,* That so much of the above recited act, and any other act or acts, law or resolution, which go in any manner to exempt persons of or above the age of fifty years from working on the public roads and highways, be, and the same is and are hereby repealed, and hereafter all male persons between the age of sixteen and fifty-five years, be, and they are hereby obliged and liable to work on the said public roads and highways, any thing in the fore-

What persons liable to work on public roads.

( 48 )

going law to which the present is an amendment to the contrary notwithstanding.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council,*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

CHAPTER XXX.

AN ACT *allowing compensation to the members of the Legislative Council and House of Representatives of the Indiana Territory, and to the Officers of both Houses at the present session.*

§ 1. Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That each and every member of the legislative council and house of representatives, shall be entitled to and receive out of the territorial treasury upon the certificate or certificates of the auditor as in other cases for each and every days attendance on the legislature at the present session, the sum of three dollars, and shall moreover be allowed the sum of ten cents per mile travel to and from Vincennes to their place of residence by the most usual road.

Compensation of members of legislature.

Milage of same.

§ 2. *Be it further enacted,* That the clerk of the legislative council and the clerk of the house of representatives, shall in like manner receive for their services respectively the sum of four dollars per day. And that the

Compensation of clerks.

( 49 )

door keeper to both houses shall in like manner receive for his services the sum of one dollar and fifty cents per day.

Of the door keeper.

§ 3. *And be it further enacted,* That the compensation which shall and may be due to the members and officers of the legislative council shall be certified by the president thereof and that which shall and may be due to the members and officers of the house of Representatives, to-

allowance to members and officers of each House to be certified by

the president  
and speaker  
respectively.

gether with the door keeper of both houses, shall be certified by the speaker thereof, which certificate shall be to the auditor sufficient evidence of claim, and he shall thereupon issue warrants as is provided in other cases to the several members and officers aforesaid payable at the Treasury of the Territory as in other cases.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—17th December, 1811.

WILLIAM HENRY HARRISON.

CHAPTER XXXI.

*A joint resolution respecting a certain Audited Warrant.*

WHEREAS by an act of the general assembly of this territory, entitled, an act for

G

( 50 )

Proviso.

the relief of the territorial treasurer and for other purposes the said treasurer was therein authorised to procure a chest for the better securing of the monies of the said territory; and whereas the auditor in pursuance thereof did issue warrant No. 101 for the sum of two hundred dollars to purchase said chest; and whereas also the said chest has not yet been purchased, nor the order discharged at the treasury—therefore,

wrt. no. 101  
issued for  
purchase of  
chest, not to  
be paid by  
treasurer.

RESOLVED *by the Legislative Council and House of Representatives*, That the territorial treasurer be and he is hereby directed and enjoined not to pay the said warrant number one hundred and one, for the two hundred dollars aforesaid, which said sum is hereby transferred

to and made a part of the general fund of this territory and the said warrant is hereby annulled and made void.

GENL. W. JOHNSTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—17th Dec. 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XXXII.

AN ACT *allowing compensation to the legal Representatives of John M'Candliss, Esquire deceased, late Sheriff of Knox county for certain services.*

WHEREFORE it appears to the legisla-

( 51 )

ture, that John M'Candliss deceased, late sheriff of Knox county, did in the month of April last hold two elections for a delegate to congress and at which elections it became necessary for the said John M'Candliss to have acting deputies that were paid by him—Therefore,

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the legal representatives of John M'Candliss deceased, be allowed the sum of forty dollars to be paid out of the county treasury in full for his services as sheriff in holding the said elections.

GENL. W. JOHNSTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

Proviso.

Compensation to representatives of J Mc'Canless for holding congressional election.

CHAPTER XXXIII.

AN ACT *Supplementary to an act entitled an act to establishing Ferries.*

BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That any owner or occupier of a ferry, that is or may hereafter be established within this Territory, shall be and they are hereby

Owners of  
ferry to keep  
banks in re-  
pair.

( 52 )

obliged to keep the banks of the river or watercourse, at the place where such ferry is kept in such repair, that waggons and teams may safely and conveniently pass. Any person or persons owning or keeping a ferry legally established within this territory, and neglecting or refusing to perform the duties required by this act, shall for every such offence, be subject to the same penalty, as supervisors of publick highways are, for neglect or omission of their duty, to be recovered in the same way as is pointed out in the law to recover fines off of supervisors for neglect of their duty.

How punish-  
able for neg-  
lect.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

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CHAPTER XXXIV.

AN ACT *making appropriations for the ensuing year.*

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the



*authority of the same*, That the sum of three hundred dollars be and the same is hereby appropriated for contingent expences; and that all other monies which may and shall be received into the territorial treasury shall be a genera

Contingent fund.  
General fund

( 53 )

fund for all monies allowed by law; the said contingent fund shall be subject to the order of the governor for expresses and other incidents which cannot now be foreseen by the two houses, a statement whereof shall be by him laid before them at their next session.

Contingent fund liable to order of Governor.

§ 2. *And be it further enacted*, That there shall be allowed and paid to the following persons for their services the following sums:

To Messrs. Jones & Dubois for stationery furnished for the use of both houses at the present session twenty four dollars and seventy-five cents.

Specific appropriation.

To Benjamin Adams for fuel furnished as above fourteen dollars and twenty five cents.

To Parmenas Beckes for the use of a house for the accommodation of the two houses at the present session the sum of twenty-five dollars.

To Nathan Powel assessor of the land tax for the county of Dearborn for the years eighteen hundred and eight, nine, ten and eleven, the sum of forty-two dollars and ten cents.

To the county of Knox for house rent at the commencement of the present session the sum of eleven dollars.

To James Dill a member of the house of representatives for the county of Dearborn for his services in travelling from his residence to Charlestown and returning home in order to attend the session of the present legislature pursuant to the prorogation at the last session, the sum of twelve dollars.

To Solomon Manwarring for similar services the sum of fourteen dollars.

( 54 )

Specific ap-  
propriation.

To John Templeton the sum of twenty-eight dollars.

To Richard Rue the sum of twenty-eight dollars.

And the auditor shall audit as in other cases, and the treasurer pay the same accordingly.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XXXV.

AN ACT *to amend the act entitled an act for laying and collecting a Tax on Land and for other purposes, and repealing part of the said act.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same; That the courts of common pleas of the several counties which now are or shall hereafter be laid off in this territory, shall on or before the first day of February next & on or before the first day of February quadrennially thereafter at any special term or court by them to be appointed for that purpose, which they are hereby authorised and empowered at any time to hold, appoint in their respective counties, a lister for the pur-*

Court of C.  
Pleas quad-  
rennially to  
appoint Lis-  
ters of land.

( 55 )

poses hereafter mentioned each of whom shall before he or they begin or commence upon the duties of their respective office, take and subscribe the following oath or affirmation, before any judge or justice of the peace of the said county in which he shall be so appointed, to wit :

I do swear or affirm (as the case may be) that as lister for the county of I will to the best of my skill and judgment, diligently and faithfully execute the duties of the office of lister, without favor, partiality or affection, and that I will do equal right and justice to the best of my knowledge and understanding in every case in which I shall act as lister *so help me God*. A certificate of which oath or affirmation shall be delivered to the said lister or listers respectively, and a copy thereof transmitted without delay to the clerk of the court of common pleas of the respective county to be by him filed in his office, and in case of the death, refusal to act or, resignation of the said lister, the said court of common pleas of the county in which such death, refusal, or resignation may so happen; shall as soon as may be thereafter at a special court to be by them held, for that purpose, appoint a person to supply such vacancy who shall take and subscribe the same oath as pointed out in the foregoing part of this section—Provided always, that no sheriff or deputy sheriff, shall be appointed or shall be eligible to exercise the duties of a lister—Provided however, that the person so appointed lister of land, shall be also appointed by the said courts assessor of personal property or assessor of such

Lister's oath

Certificate thereof to be dld. to lister.

Copy transmitted to Clerk of C. Pleas.

In case of death, &c. of Lister, C.P. to make another appointment for which they are authorised to hold special courts.

Sheriff or his deputies not to be appointed Listers.

( 56 )

property as is subject to taxation for county purposes.

§ 2. *Be it further enacted by the authority aforesaid,* That the said listers in the several counties shall and they are hereby empowered and required to receive from each and every person or persons residing within their said counties and owning lands within the same a list under oath of the quantity and quality of such land, by him, her or them so owned or claimed within the said county, which oath the said lister is hereby empowered to administer, which said list, shall contain the name or names of the owner or owners, claimant or claimants together with the number of acres, so by him, her or them claimed

Owners of land to deliver list of the same under oath the Listers.

Lister to administer said oath.

Specification required in said list.

Lister to enter same in a book.

In fixing rates of land Listers shall judge wholly by the depth and goodness of the soil.

Listers shall attend in townships & election districts respectively, to receive land lists, giving at least ten

or owned within the said county whether the same be claimed or owned by entry bond, deed of conveyance, purchase, patent or otherwise, and whether the said land or lands, be first, second or third rate which the said lister, shall set down in writing in a book, to be by him provided for that purpose, in which rating of such tract or tracts of land, the said lister, shall only take into view the depth and goodness of the soil, and shall set down the rates accordingly specifying that the same is first, second or third rate as case may be.

§ 3. *Be it further enacted*, That the said lister of lands, shall advertise at the county town, and also in the most public place in each and every township or election district (as the case may be in their several counties that he will attend at a convenient place to be mentioned in the said advertisement as near as may be to the centre of population of such

( 57 )

Inhabitants required to attend.

Failing so to do, having had notice, or neglecting to render list, giving a false affidavit, or to be fined treble the amt. of his taxes.

Any person failing to attend may render list to lister in one month.

township or district at least ten days after the date of such advertisement, in order to receive a list of all the lands which such person or persons owns or claims by any of the ways before mentioned within the said county, and the said persons are hereby required to attend at such time and place in such advertisement mentioned, and if any inhabitant within any of the said townships having received due notice shall fail to attend, or shall refuse or neglect to render such account or list, or shall render a false or fraudulent list he, she or they, shall be fined in a sum not exceeding treble the amount of his taxes, to be recovered by and in the name of the lister before any justice of peace within the township, which shall go to the use of the territory.

§ 4. *Be it further enacted*, That in case any such inhabitant shall not attend at the time and place notified by such lister to give in a list of his her or their taxable lands in the said county as above mentioned it shall and may be lawful for the said lister or listers to receive such



persons list at any time thereafter within the space of one month, provided however, that such person or persons giving such list makes oath to the justness of such list, and in case of failure herein the said lister may and shall proceed to list such person or persons lands in the said county, as also to list the lands of non-residents, claiming lands within any of the said counties within this territory from the best information he may possess or can collect.

Shall testify to the accuracy of such list.

Failing, lister shall list such land also those of nonresidents.

H

( 58 )

§ 5. *Be it further enacted*, That the said listers so as aforesaid, appointed shall on or before the first day of May next, and on or before the first day of May quadrennially thereafter make out a fair list of all the lands owned or claimed within their respective counties either by entry, deed of conveyance, patent, bond for conveyance or otherwise, whether claimed by residents within the said county or non-residents in the following form viz.—

Listers quadrennially to make a list of all lands owned or claimed within their counties respectively.

A list of lands owned, claimed or entered with in the county of \_\_\_\_\_ previous to the \_\_\_\_\_ day of \_\_\_\_\_ and now subject to taxation.

Persons names.	No. of acres.	First rate	Second rate.	Third rate	Rate of taxation	Amt. of taxes—
						D. C.

which said list when made out in alphabetical order and completed shall be certified by the said lister, and delivered by him to the clerks of the respective courts of common pleas on or before the last day of May next and on or before the last day of May quadrennially thereafter.

Said lists certified by listers and to clerks of C. Pleas.

§ 6. *Be it further enacted by the authority aforesaid*, That the said judges of the court of common pleas, shall and they are hereby enjoined and required to assemble at the court house of their respective counties on the first

Courts of C. Pleas to correct improper rates.



Monday in June next, and on the first Monday in June quadrennially thereafter, and the clerks shall lay before them the said lists of lands so as aforesaid provided to

( 59 )

Lister shall give notice at the time of listing.

When lists revised clerks shall make two transcripts.

One for auditor.

The other to be filed in the clerks office together with the original abstract.

Auditor to forward to sheriffs copy of said list.

be made and the said judges shall and they are hereby empowered to hear any complaints of improper or partial rating in of lands which may have been made by the said listers, and to make such alterations therein as they or a majority of them shall think reasonable and just, of which court of appeal it shall be the duty of the lister to give due notice at the time he is listing the said lands.

§ 7. *Be it further enacted by the authority aforesaid,* That when the said abstracts or lists of lands for the respective counties shall be revised and corrected as aforesaid the clerks of the said courts respectively, shall make out two fair and correct transcripts thereof, one of which the said clerks respectively shall forward to the territorial auditor on or before the twentieth day of June next and or before the twentieth day of June quadrennially thereafter, and the other shall be regularly filed in the office of the said clerk or clerks respectively, together with the original abstract or list; and it shall be the duty of the said auditor within thirty days after he shall have received the said duplicate or list of lands from the respective counties, to forward to the respective sheriffs, of each and every county a correct copy of such duplicate or list, in which duplicate or list he shall carry out opposite to each tract of land the amount of tax or taxes due or required to be paid thereon, which sheriff or sheriffs respectively shall proceed immediately to collect the said taxes as by this law herein after directed—Provided however, and it is hereby expressly enjoined on the said courts,

§ 7, l. 8. In the enrolled act the word "on" is inserted between the words "and" and "or."—Ed.

( 60 )

that, should any of the foregoing duties or requisitions as required in the foregoing sections, through death, accident or other casually, be omitted or neglected to be performed, it shall then be legal for the said courts, listers and clerks to proceed in the performance of the said respective duties at any time within two months thereafter, proper notice thereof being given as herein before directed.

§ 8. *And be it further enacted by the authority aforesaid,* That any lister who shall have accepted his said appointment as lister of lands, and shall have been sworn as aforesaid who shall refuse or neglect to perform the service and duty required of him and enjoined upon him by this act, he shall for every such neglect or refusal be fined in any sum not exceeding two hundred dollars, to be recovered by action of debt in any court of common pleas in this territory with costs of suit in the name of the auditor for the time being, and for the use of the territory; and if any of the judges of the court of common pleas within any of the counties of this territory, shall refuse or neglect to perform any of the duties enjoined or required of him or them by this act, every such judge refusing or neglecting shall be fined in a sum not to exceed one hundred dollars recoverable in like manner before the general court or circuit court of the county in which such judge or judges reside and to the same use, and if any clerk of any of the courts of common pleas, shall neglect or refuse to perform the services and duties enjoined on

Sheriffs to collect taxes.

Failure in duties as assessed; Courts, listers to proceed within two months.

Lister being sworn and neglecting to perform his duty shall be fined.

Judges neglecting duty, how punished.

Clerks neglecting their duty, how fined.

( 61 )

him and required of him by this act he shall for every such neglect or refusal be fined in the sum of one hundred dollars, recoverable in like manner with costs of suit in

P. (60), l. 3. In the enrolled act the word between "other" and "be" is "casualty" instead of "casually."—ED.

the name of the auditor before any court of common pleas, and for the use of the territory as aforesaid.

Compensati-  
on to listers  
how paid &c.

§ 9. *Be it further enacted*, That the said listers shall respectively receive for each tract he or they may so list and rate aforesaid the sum of five cents to be paid by the collector of the said county in which such lister may reside, on the order of the judges of the court of common pleas, which order they are hereby empowered to give, which order so paid with a receipt thereon shall be a sufficient voucher to the territorial treasurer to receive the same as so much paid by the said collector respectively and shall be allowed and audited accordingly. And the said clerks of the respective counties shall receive for every two such copies as he is herein before enjoined and required to make out, the sum of twelve dollars, to be certified and allowed in like manner, as the listers accounts are herein directed to be done.

Allowance  
to clerks.

Land lists to  
govern audi-  
tor in laying  
the tax.

§ 10. *And be it further enacted by the authority aforesaid*, That the said lists and rates so as aforesaid made out on the lands within this territory shall continue to govern the auditor in levying all territorial taxes which are required or may be collected within the same for four years from and after the said first day of May next, when a new list of rates adding thereto all which may be in the interim entered or purchased within any

( 62 )

of the said counties, which now are or shall hereafter be laid off in the said territory.

Auditor to  
procure ab-  
stracts of  
sales of pub-  
lic lands  
which he  
shall forwrd.  
to sheriffs.

§ 11. *And be it further enacted*, That the auditor shall on or before the first day of February next, and on or before the first day of January annually thereafter procure from the proper officers an abstract of the lands bought by individuals within any county of this territory, noting therein the range, town, section, half section or quarter sections thereof, which abstracts he shall on or before the first day of May next, and on or before the first day of May annually thereafter forward to the

sheriffs of the several counties within this territory, which sheriffs shall annually add such lands to their several lists rating the same at second rate until a new list or rating takes place, and shall collect the taxes thereon accordingly, and the said auditor shall in his books charge the said sheriffs respectively with the additional amount of taxes due on such land rating the same at second rate until altered as aforesaid; and all the lands in this territory owned by individuals whether resident or non-resident shall be taxed as follows, to wit: the tax to be laid on the said land by the auditor as aforesaid for territorial purposes, shall for first rate land not to exceed one dollar per hundred acres, on second rate land not exceeding seventy five cents per hundred acres, and on third rate land not exceeding fifty cents per hundred acres.

Tax to be  
laid on land.

§ 12. *Be it further enacted by the authority aforesaid,*  
That the sheriffs of each

( 63 )

county shall on or before the last day of August annually demand payment of the taxes or sums which may be assessed, rated or laid as aforesaid on each inhabitant in his county which demand shall be made by the said sheriffs or his or their deputy in person, or by notice left at his, her or their usual place of residence or abode, which if not paid to the said sheriff or his deputy as aforesaid on or before the said last day of August next, and on or before the last day of August annually thereafter it shall be the duty of the said sheriff, and he is hereby empowered, to take the personal property, goods or chattles of the person or persons so failing to pay their said land taxes, and shall thereupon proceed to give ten days notice of the time and place at which he intends exposing the said goods or chattles to sale by advertising the same in the most public place in the township where such delinquent or delinquents reside and where the said lands do lie; provided however, that the said delinquent or delinquents may at any time the property distrained

Time when  
sheriff shall  
demand tax-  
es & manner  
thereof.

Time when  
taxes to be  
paid.

Failing to  
pay how she-  
riff to pro-  
ceed.



How delinquent may redeem property.

Property seized for taxes being insufficient, sheriff to make a second distress.

be sold, ask for, demand and receive the said property, on tendering to the said sheriff or sheriffs the amount of his, her or their land tax, then due, and the expences of keeping the same together with fifty cents to the said sheriff for his trouble and expence in distraining and advertising the said property, and in case the property so taken and distrained sells for more than the land taxes due from the said delinquent or delinquents, the said sheriff shall be entitled to receive therefrom for his trouble and expence in selling and seizing the

( 64 )

Delinquents injured may appeal to C. Pleas.

same the sum of fifty cents, but in case there is not a sufficient sum produced by the sale of such property to pay the said taxes the sheriff may and is hereby authorised by a second distress to make the said amount in the manner aforesaid—Provided however also, that the delinquent or delinquents who may think him, her or themselves aggrieved by any such distress or sale as aforesaid may apply to the court of common pleas at the term next to be holden in and for the said county, who shall examine the same, and if the said court are of opinion that the said sheriff has acted improperly in such sale or sales, they shall give to the party injured such redress as the nature of the case requires.

Delinquents having no personal property sheriff to seize land.

§ 13. *And be it further enacted by the authority aforesaid,* That in case of any delinquencies, or non payment of taxes as herein directed, and that no personal property, goods or chattels of such delinquent or delinquents is or are to be found within the said county wherein the lands of such delinquent or delinquents do lie, it shall then be the duty of the sheriff as collector to proceed to levy and collect the sum or sums, so in arrear by a sale of the land or lands as heretofore directed by the act to which this is an amendment.

In what time sheriff to pay money collected to Treasurer.

§ 15. *And be it further enacted by the authority aforesaid,* That it shall be duty of the sheriff to pay over to the treasurer of the territory on or before the fifteenth day



of December yearly, and every year the tax money which he shall have collected and

( 65 )

received for which monies so paid over the treasurer shall give a receipt which shall be a sufficient voucher, to exonerate and discharge the said sheriff for the amount in the said receipt contained, at which time of paying the said monies the treasurer shall also allow to the sheriff paying the same, ten per centum upon all monies so by the said sheriff collected and paid over, and shall discount with him therefore accordingly.

Allowance  
sheriff for  
monies col-  
lected.

§ 15. *Be it further enacted by the authority aforesaid,* That it shall be the duty of one of the judges of the several courts of Common Pleas in the respective counties of this territory hereafter on receiving ten days notice from the collector of his county to attend at the time and place of the sale or sales of any lands, which may be exposed for the taxes or arrearages of taxes, and where any tract of land or tracts of land so exposed to sale will not sell for the want of bidders or purchasers it shall be the duty of the said judge to give to the said collector a certificate thereof, which certificate shall be a sufficient voucher to the territorial auditor, who is hereby directed and authorised to enter to the credit of the said collector the amount of tax charged in the duplicate upon the said land.

A judge of  
C.P. to at-  
tend sales of  
land.

Lands not  
selling for  
want of pur-  
chasers,

Judge to  
give sheriff  
certificate  
thereof.

Sheriff entit-  
led to audit  
with auditor  
for amount.

§ 16. *Be it further enacted by the authority aforesaid,* That any person failing in any of the duties required of him by this law or that to which this is an amendment, shall be subject to a fine of three hundred dollars by indictment or information for the use of the territory.

Penalty on  
officers car-  
rying this  
act into ef-  
fect, for fail-  
ure of duty.

I

( 66 )

§ 17. *And be it further enacted by the authority aforesaid,* That so much of the act entitled an act for levying

Parts of former laws repealed.

and collecting a tax on land and for other purposes, as makes it necessary and enjoins it on the courts of Common Pleas of the respective counties within this territory to appoint assessors is hereby repealed, and so much of the said act as comes within the purview of this act is and the same is hereby repealed. This law to take effect and be in force from and after the passage thereof.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

CHAPTER XXXVI.

AN ACT to amend the act entitled an act establishing courts for the trial of small causes.

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That every action of debt or other demand (except as in the said law is accepted) shall be and the same is hereby made cognizable before any justice of the peace or magistrate in the township either where the debt was contracted or the cause of action arose, or

Cases cognizable before justice of the peace.

( 67 )

in the township where the defendant resides and not elsewhere; provided however, that if there is a justice of the peace resident within the said township where the defendant lives he shall thereupon proceed to try the same.

§ 2. *Be it further enacted,* That in all actions or suits properly cognizable before or examinable into by any justice of the peace in any township in this territory for the trial of small causes, such justice may issue his subpoena

Justice to issue subpoena for witnesses

to compel the attendance of witnesses on any trial before him from any other township in the same county, and if any person or persons being duly subpoenaed as a witness in any cause cognizable before a justice of the peace shall neglect or refuse to attend at the place on the day and at the time in such subpoena mentioned, he, she or they so neglecting or refusing shall be fined in any sum not exceeding the amount of the debt and damages sued for, provided the plaintiff or plaintiffs, defendant or defendant shall make oath that he she or they believe said witness to be a material witness in said suit to the use of the party on whose behalf such witness or witnesses were so subpoenaed, for which fine with costs the said justice shall issue execution against such witness or witnesses unless such witness or witnesses within thirty days after the said fine shall be by such justice so laid, render on oath a reasonable excuse to the satisfaction of such justice of the peace for such delay, neglect or non-attendance, provided however, that no such witness shall be finable unless such subpoena shall have been served at least two days be-

Witness refusing to attend how fined.

Without reasonable excuse.

Manner and time of serving subpoena

( 68 )

fore the trial where the witness resides within thirty miles of the place of residence of the said justice of the peace, and one day for every twenty miles above that distance, provided also that when any witness lives out of the county the said justice of peace may and shall and he is hereby authorised to issue a dedimus to take the deposition of any such witness as is usually done in the general court and courts of Common Pleas of this territory, and which shall be taken and read in evidence under the same rules and regulations as such depositions upon commissions issuing from the said courts usually are, and the said justice may continue the said cause a reasonable time for the return of such dedimus or deposition.

Justice to issue dedimus to take depositions.

§ 3. *Be it further enacted by the authority aforesaid,* That if any person or persons think him, her or them-

Party ag-  
grieved may  
appeal.

In what time

Appellant to  
give security  
to prosecute.

selves aggrieved by any judgment rendered against them by any justice of the peace as aforesaid it shall and may be lawful for such person or persons at any time within the space of twenty days next after rendering of such judgment to appeal therefrom to the court of common pleas next to be holden for the county in which such suit hath been tried, he she or they first entering into recognizance with at least one sufficient security in a sum sufficient to answer all costs and damages, to prosecute the said appeal with effect and to abide the order which the court of common pleas may make therein and upon any appeal demanded from any such judgment the justice of the peace who pronounced the same shall deliver to the appellant a transcript of the same,

( 69 )

Justice to  
give trans-  
script.

Appellant to  
deliver tran-  
script to  
court.

Appellant to  
pay all costs.

No appeal in  
certain cases.

Pltff. below  
shall be pltff.  
above.

together with copies of all process and proceedings therein as also the papers upon which such suit or suits is or may be founded, who shall deliver the same to the clerk of the court of common pleas of the said county in which such appeal is made, at or before the first day of the term next following such appeal and all proceedings before the said justice or any process issued by him on the said judgment shall be staid from the time of demanding such appeal unless the appellant shall neglect or refuse to give the security above required—Provided however, that such person or persons demanding such appeal shall pay down to the said justice all costs which have accrued on said suit, as also, at the rate of twelve and a half cents for every hundred words for making out such transcript, and provided also that neither party shall be entitled to an appeal in any case in which judgment hath been entered on the report of referees, appointed as expressed in the law to which this is an amendment.

§ 4. *Be it further enacted*, That the person so appealing shall cause an entry of the said suit to be made by the clerk of such court and the plaintiff in the court below shall be plaintiff in the court above, and after such



entry hath been made on the docket of the said court it shall be the duty of the said court to which such appeal may be so made to proceed to hear and determine the said suit on the same papers as lodged with the clerk, and to call witnesses and examine them as in other cases, and it shall not be necessary for the plaintiff or

How court  
to proceed.

( 70 )

plaintiffs in such suit to file any declaration in the same, provided however that the said court shall at the request of either party have a jury called to hear and determine the same as in other cases, and provided also that the costs which shall accrue on all process issued from the said court or for services rendered by them, shall be the same as in all other cases.

Either party  
may have a  
jury.

§ 5. *Be it further enacted,* That upon any appeal which may have been taken and entered as is above required it shall be the duty of the said court to examine into and determine whether the said suit or suits was or were properly cognizable by or before the said justice of the peace from whose judgment said appeal was so taken, and by whom the said suit or suits was or were tried and determined, and if it shall appear to the said court that the said justice of the peace who tried the same had not cognizance of the said suit or suits by virtue of the act to which this is an amendment and by virtue of this act as is hereafter expressed they shall proceed to enter judgment for the defendant with costs of suit, provided that such judgment shall not bar the plaintiff or plaintiffs from a recovery in a subsequent suit or action for the same cause instituted in a court having cognizance or jurisdiction thereof.

Court on ap-  
peal whether  
justice had  
cognizance  
how to pro-  
ceed.

§ 6. *Be it further enacted,* That any and every constable legally appointed to office in any county or township in this territory who shall hereafter neglect or refuse in due time to execute the warrant or summons or other precept which may or shall be offered him for execution or service shall and he is here-

Constable ne-  
glecting to  
serve war-  
rant how pu-  
nished.



( 71 )

by made liable together with his securities to pay to the party or parties injured thereby the amount of his or their original demand and costs to be recovered before any justice of the peace in the township or county where such constable may reside, whereon no stay of execution shall be allowed and any such constable to whom execution may and shall hereafter be tendered for service, neglecting or refusing to serve the same, or who has not the money ready and pay the same over to the person entitled thereto, by or upon the return day thereof or who fails to give sufficient legal excuse why the amount thereof was not made, shall be and he is hereby made liable to pay the person entitled thereto the amount of the said execution and costs, to be recovered on motion before the justice who issued the same, and in case of the sickness, death or absence of the said justice then before any other justice of peace in the county whereupon judgment shall be rendered against the said constable and his securities and no stay of execution shall be allowed, and in both the aforesaid cases execution shall issue returnable in ten days, any thing in the fifth section of the act to which this is an amendment notwithstanding.

Neglecting  
to execute  
exon. how  
punished.

Appellant fail-  
ing to file  
transcript.

§ 7. *Be it further enacted*, That where the appellant fails to file the transcript of the justices record as herein required, in the proper clerks office, the clerk of such court shall upon application give a certificate stating therein the names of the parties that no such appeal or papers has been filed with him upon the production of which certificate to the justice of peace he shall immediately is-

( 72 )

sue execution, including therein twenty five cents to the clerk for such certificate.

§ 8. *Be it further enacted*, That when from the absence of the plaintiff or other person entitled to receive

the amount of any warrant summons or execution hereafter issued, and the constable or other officer having paid the same into the hands of the proper magistrate, and he refuses or neglects upon application to pay the same over to such plaintiff or other person, the person or persons so entitled shall obtain judgment against the said justice of peace or magistrate on motion before any other magistrate in the county upon which motion the return of the constable who levied the execution and paid over the amount shall be good evidence, as also any other disinterested testimony shall be received and upon any such judgment execution shall issue immediately returnable in ten days.

Justice detaining money how proceeded agst.

§ 9 *Be it further enacted,* That in case of any disability either natural or legal in the justice of peace who may issue any warrant or summons to proceed to the trial thereof or of issuing execution upon any judgment rendered by him it shall and may be lawful for the constable to return the warrant or summons to such other justice of peace in the county as the plaintiff may request, but should the plaintiff fail to make an election in due time then the defendant may elect before what justice the same shall be tried, which said justice of peace so in either case duly chosen, shall proceed to trial judgment and execution in the same manner as if the warrant or summons had been

If from natural or legal disability justice prevented from proceeding in the cause how to proceed.

( 73 )

originally issued by him and in all cases when from the aforesaid disability it may be out of the power of the justice of peace who gave the judgment to issue execution thereon it shall and may be lawful for the party in whose favor such judgment was given to obtain from the said justice of peace, a certified transcript of the said judgment and costs upon which he may cause and have execution issued by any other justice of peace within the township or county, any thing in the said act to which this is an amendment to the contrary notwithstanding.

Constable executing wart. to accept bail.

Condition of bail bond.

Bond to be returned to justice.

Deft. failing to appear how justice to proceed,

§ 10. *Be it further enacted* That it shall be the duty of the constable in whose hands any capias or warrant shall be placed for service or execution to take a bail bond from the said defendant or defendants, provided the said defendant or defendants shall tender a bond with sufficient security in double the amount of the demand that he, she or they shall or will appear at a day certain not exceeding ten days to be specified in the condition of the said bond and answer to the plaintiffs suit or suits which said bond shall be returned to the justice having issued such warrant and in case of the failure of the said defendant to appear at the time and place expressed in the condition of the said bond the said justice shall proceed to enter judgment against the defendant and his security for the amount of the demand and costs and issue execution as in other cases.

§ 11. *Be it further enacted*, That in all cases where a capias shall issue as expressed in the foregoing section and judgment shall

## K

( 74 )

Deft. having judgt. agst. him to give special bail or be committed.

Deft. about to abscond security may have exon. issued.

have been given for the plaintiff it shall be the duty of the justice of peace before whom the said cause has been tried or the said judgment rendered to require and take of the defendant or defendants in such suit a recognizance of special bail with sufficient security thereto, or otherwise he shall commit the defendant or defendants to prison as is provided in the act to which this is an amendment, provided however, that when the defendant has removed himself or may be about to remove his property from the county in which any judgment may be rendered against him or them it shall be lawful for the bail to have execution issued in the same manner as is provided by law for the plaintiff in similar cases.

§ 12. *Be it further enacted*, That if any constable shall levy an execution on property and a doubt shall arise

whether the right of such property is in the debtor or not, such constable may, and it is hereby declared to be his duty to summon and empanel twelve freeholders, each of whom shall be disinterested in the matter in controversy whom he shall swear (or affirm) as the case may be to try the right of such property and after hearing the allegations of the parties and the evidence thereon the said jury shall determine whether the property so claimed belongs to the defendant or defendants or to the person claiming the same, as the case may be, and in case any action being brought against the said constable for his conduct herein he may plead the general issue and give the verdict of the said jury signed

Constable in certain cases to summon jury to try right of property.

## ( 75 )

with their names and sealed with their seals, and this act in evidence.

§ 13. *Be it further enacted,* That the jurisdiction of the several justices of the peace within this territory or any county or township thereof, shall be and the same is hereby extended to forty dollars, provided however, that when the matter in controversy exceeds the sum of twenty dollars either plaintiff or plaintiffs, defendant or defendants upon request to the justice of peace before whom the said matter is brought for trial shall be allowed the right of having summoned to come before the said justice of peace a jury of six men, each of whom shall be disinterested between the parties and the said justice of peace shall proceed to swear the said jurors well and truly to determine according to evidence (as in other cases) the matter then in controversy and shall enter up judgment upon the verdict of the said jury from which judgment so entered on the verdict of a jury there may be an appeal as in all other cases.

Jurisdiction of justices

May summon jury at request of either party in certain cases

§ 14. *Be it further enacted,* That the several constables within this territory, shall be allowed for summoning a jury of twelve men and returning and empannelling the same, as is pointed out in the 12th sec-

Fees as in other cases.



tion of this act one dollar, and for summoning a jury of six men as pointed out in the thirteenth section of this act fifty cents, and the said constables for serving any execution warrant or other process under this act shall be allowed milage as in all other cases except for summoning the juries as above pointed out, and the justices fees for summoning a jury shall be the same as for a summons in other cases

( 76 )

Jurors fees.

provided however, that every juror so summoned and sworn shall be entitled to receive twenty five cents on each trial to be taxed also with the bill of costs.

What shall  
be the stay  
on execution

§ 15. *Be it further enacted*, That upon any judgment which may hereafter be rendered by any justice of the peace under this act or that to which this is an amendment no execution shall issue thereon until the expiration of thirty days if the judgment be for the sum of six dollars or under, nor until the expiration of sixty days if the judgment be for any sum above six and as high as twelve dollars nor until the expiration of ninety days if the judgment be for any sum above twelve and as high as twenty dollars nor until the expiration of one hundred and twenty days, for any sum above twenty and as high as thirty dollars nor shall execution issue for the space of one hundred and fifty days from the time of rendering such judgment for any sum above thirty and as high as forty dollars.

Juror failing  
to attend  
how fined.

§ 16. *Be it further enacted*, That any juror duly summoned under this law and failing to attend shall be fined in a sum not to exceed three dollars, unless he can shew a reasonable excuse for his non attendance.

Certain acts  
repealed.

§ 17. *Be it further enacted*, That the act to amend an act entitled an act, establishing courts for the trial of small causes, passed and approved the twenty fifth day of October, eighteen hundred and eight, and the act entitled an act to amend the act entitled an act, establishing courts for the trial of small causes, passed and approved December fourteenth, eighteen hundred and ten,



( 77 )

be and the same are hereby repealed. This act to take effect and be in force from and after the first day of April next.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XXXVII.

AN ACT *in amendment of the act entitled a law to regulate County Levies.*

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That so much of the law of the territory entitled a law to regulate county levies, as subjects mansion houses in the country to taxation, & also the thirteenth section of the said law be and the same are hereby repealed.*

Tax on mansion houses repealed.

§ 2. *Be it further enacted, That hereafter any and every person within or coming to this territory being the owner or possessor of any species of merchandise other than the product or manufacture of the territory, the article of salt excepted, and wishing to dispose of the same or any part thereof shall previously to selling or otherwise disposing of the same or any part thereof either by him-*

Merchandise imported (except salt) sold only under license.

( 78 )

self or his agent within the territory or any of the waters within or bounding the same, pay to the county treasurer of the county in which he or she may wish to dis-

Manner of granting li-

pose of the said merchandise, the sum of five dollars for three months, nine dollars for six months, twelve dollars for nine months, or fifteen dollars for one year, at the option of the applicant, and the said treasurer upon the receipt of either of the said sums for either of the periods above stated, shall give to the person paying the same a certificate in the words following, viz.

*Indiana Territory, county, sct.*

Form.

having this day paid to me the sum of \_\_\_\_\_ dollars, he or she as the case may be is hereby authorised to vend merchandize within the county or any of the waters thereof for \_\_\_\_\_ months or year as the case may be, from the date hereof. Given under my hand as county treasurer this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_ C.T. which certificate shall authorise the person obtaining the same to vend by retail agreeably to the laws of the territory, or otherwise dispose of any and every species of merchandize during the time stated in the same and no longer, and if any person shall presume by himself or herself his or her agent to sell or otherwise dispose of any species of merchandize not the growth or manufacture of this territory within this territory or on any of the waters within or bounding the same without having first obtained a certificate as aforesaid he or she so offending shall for every such offence forfeit and pay the sum of fifteen dollars to and for the use of

Selling without license how fined.

( 79 )

Duty of treasury in respect to license.

Proceeds of licenses, &c. how appropriated.

the county in which the offence may be committed, to be recovered by action of debt by and in the name of the said county treasurer before any justice of the peace in the county, and it is hereby made the duty of the said treasurer to sue therefor, recover and receive the same, and the said treasurer is hereby required and directed to keep a fair entry as to person, duration, place and time of all certificates which he may grant and issued under and by authority of this law, the proceeds whereof to-

gether with all fines or forfeitures collected by him he shall enter to the credit of his proper county in proper books to be by him kept for that purpose.

§ 3. *Be it further enacted*, That it shall be the duty of the clerks of the several courts of common pleas in their respective counties to keep fair books wherein shall be kept the accounts of the county attest all orders issued by the court for they payment of money and enter the same in numerical order in a book to be kept for that purpose and copy into their said books the report of the treasurer of the receipts and disbursements of their respective counties and whenever the duplicate shall be put into the hands of the sheriff for the collection of county levies it shall be their duty to send a statement of the sum wherewith he stands charged to the county treasurer, all which orders when so as above said issued by the court shall bear interest from their several dates until the time of payment which interest shall be calculated up and paid by the county treasurer at the same time he may pay off the said order.

Duty of clks. in respect to county funds orders, &c.

County orders intitled to interest.

§ 4. *Be it further enacted*, That the judg-

( 80 )

es of the several courts of Common Pleas or any two of them in their respective counties which now are or hereafter may be established in this territory are hereby authorised and required to appoint for the same a respectable citizen for treasurer who shall give bond with surities to the satisfaction of the judges of the said court conditioned for the faithful execution of the duties of his office, and to account for all monies which may come into his hands in pursuance thereof, and that he will deliver to his successor in office all books of entry, papers, documents and other things which he may have or hold in right thereof and pay him the balance of all monies due to the county, provided that nothing in this act contained shall authorise the said judges to appoint any judge of a court of justice, or clerk of such courts, sheriff or coroner to be a treasurer in their respective counties.

Common P. to appoint county treasurer.

His duty.

Persons not eligible.

Further duties of treasurer.

§ 5. *Be it further enacted*, That it shall be the duty of the treasurer to receive all monies due and accruing to the county by or in consequence of this act or the law to which this is an amendment to pay and disburse the same on orders drawn by the judges of the court of Common Pleas of the proper county, attested by the clerk and not otherwise, the said treasurer shall keep a just and true account of all monies received and disbursed and hold and keep the same at all times ready for the inspection of the said judges and shall once in four months furnish the said judges with a statement thereof balanced to the day shewing all the monies received and disbursed during the

( 81 )

said term and the balance remaining in his hands together with the arrearages of taxes in the hands of the collector and shall moreover once in every year settle his accounts with the said judges and produce his vouchers which being allowed shall be cancelled by them and retained on file in the clerk's office.

Duty of sheriff in respect to county levies.

§ 6. *Be it further enacted*, That the sheriff of the several counties of this territory after having received the corrected duplicate as directed by the act to which this is an amendment shall within six months after having received the same pay into the hands of their respective county treasurers the whole amount of the taxes charged and assessed in such duplicate without further delay except such sums as the judges of the court of Common Pleas of the proper county may in their discretion exonerate them from on pain of being answerable for and charged with the whole balance remaining unpaid, and all the estate real and personal of such delinquent collector or sheriff shall be bound for the security of the payment of such balance at and from the expiration of the said six months a transcript of which balance shall be then entered by the treasurer with the clerk of the general or circuit courts of the proper county whose duty



it shall be to file the same and which shall then operate to all intents and purposes as if judgment were then entered against him or them for such balance in a court of record, provided however, it shall be the duty of the treasurer to give such delinquent ten days previous notice of such intended procedure.

## L

( 82 )

§ 7. *Be it further enacted*, That if any of the said judges shall neglect or refuse to do the duties assigned him or them by this act or the act to which this is an amendment, he or they so offending shall on conviction thereof before the general or circuit court of the proper county be fined for every such offence in a sum not less than one hundred dollars nor more than two hundred dollars to be recovered by action of debt one half to the party prosecuting the same and the other half for the use of the proper county, and if any treasurer appointed by virtue of this act shall neglect to do and perform the duties herein assigned to him shall on conviction before the general or circuit court, be fined in a sum not less than two hundred dollars nor more than three hundred dollars, to be recovered and applied in manner last aforesaid.

Penalty on judges for failure of duty.

On treasurer

§ 8. *And be it further enacted*, That all and every person or persons in this territory, who shall erect or keep a billiard table within the same, shall annually on the first day of March or within one week after erected such billiard table, enter the same with the sheriff of the respective and proper county, and it shall be the duty of such sheriff at the same time and in the same manner as is pointed out by law for the collection of the county revenue to receive and collect from each and every person having entered such billiard table, the annual sum of thirty dollars, and which shall be accounted for and paid over by the said collector as other county taxes, are by law accounted for and paid over.

Billiard table to be entered with sheriff.

Duty of sheriff herein.



§ 9. *Be it further enacted by the authority of the same,* That all single men above

( 83 )

Poll tax. the age of twenty-one years who have no taxable property shall be subject to a poll tax of fifty cents for county purposes.

Lands to be taxed for county purposes  
How collect-  
ed.

§ 10. *Be it further enacted,* That in lieu of the tax heretofore collected on neat cattle and mansion houses in the country, the courts of Common Pleas in each county respectively shall at the same time at which they levy the tax upon other objects of taxation levy a tax on the located lands not exceeding one half of the amount that shall be laid by the territorial auditor, according to the rate for territorial purposes, which shall be collected by the sheriffs respectively at the same time and under the same regulations, conditions and provisions which are or may be provided by law for the collection of the territorial taxes and the sheriffs respectively shall account for the same in the same manner and at the same time that he is by law to account for the county dues.

Fees for collecting taxes

§ 11. *And be it further enacted,* That the sheriffs for the collection of county levies shall be entitled to receive six per cent on the amount of tax by him recovered and paid to the county treasurer and no more.

§ 12. *And be it further enacted,* That all laws coming within the purview of this act shall be and the same are hereby repealed.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

( 84 )

## CHAPTER XXXVIII.

JOINT RESOLUTIONS *respecting the Auditor and Printer.*

RESOLVED *by the Legislative Council and House of Representatives*, That the territorial auditor be authorised and he is hereby directed to audit to Elihu Stout the sum of eighteen dollars for printing twelve quires of blank warrants for the use of the said auditors office; that he likewise audit to John Badollett the sum of ten dollars and fifty-three and three fourth cents for having furnished the present auditor with a list of lands entered in the district of Vincennes in the year eighteen hundred and eight & ten; also to Samuel Gwathmey, register of the land office for the district of Jeffersonville for a list of lands entered in his office for the year eighteen hundred and ten the sum of five dollars.

*Resolved further*, That the said auditor be and he is hereby authorised to procure whatever quantity of blank warrants he may deem necessary for the use of his office, the expences whereof shall be drawn for by the said auditor as in other cases, and payable at the territorial treasury.

*And resolved further*, That the said auditor be and he is hereby directed to inspect the printing and stitching of the laws passed at the present session, and when the same may be completed by the printer, and then to audit to the said printer the sum of one dollar and twenty-five cents per page for printing, and eight dollars per hundred copies for stitching, which warrant or warrants shall be

( 85 )

payable at the treasury as in other cases, for which trouble on the part of the auditor he shall be entitled

to and receive from the treasury upon his own warrant or warrants the sum of forty-five dollars.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

### CHAPTER XXXIX.

AN ACT to amend an act establishing and regulating the Militia, and in aid of an act supplemental to an act establishing and regulating the Militia.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That when in the opinion of the commander in chief the troops of horse which now are raised or may hereafter be raised and organized within this territory the good of the service requires that they shall be formed into a squadron or otherwise, he may and he is hereby authorised to form the said troops of horse into a squadron and appoint to command the same, a major, or such other officer or officers as may be necessary for the complete organization of the said troops or squadron of horse, which major or other

Troops of horse may be formed into squadrons.

And a major appointed.

( 86 )

officer so appointed to command the said squadron of horse, shall when on actual service, draw the same pay and be entitled to the same emoluments as officers of the same grade or rank, is now, or shall hereafter be entitled to receive.

Quaker exemption repealed.

§ 2. *Be it further enacted,* That the thirteenth section of a law "entitled an act supplemental to an act entitled an act establishing and regulating the militia," be, and the same is hereby repealed.

§ 3. *Be it further enacted*, That it shall and may be lawful hereafter for any person or persons who are conscientiously scrupulous of bearing arms, in lieu of militia duty or services in times of peace, to pay to the person appointed to collect the territorial taxes in each county the sum of five dollars each year, taking the said collectors receipt therefor, which receipt shall exonerate and exempt the holder thereof from militia service for that year and no longer, and that on payment of a like sum in like manner annually, the said person or persons paying the same shall be and hereby exempted from militia duty, and it shall be the duty of the said collector or collectors to pay over the same to the territorial treasurer at the times appointed by law for paying over other territorial dues, under the same penalties.

Persons may exempt themselves from militia duty by paying a certain fine.

How collected and appropriated.

§ 4. *Be it further enacted*, That the captains or other officers on enrolling the different persons subject to do militia duty within their several bounds, shall omit enrolling all and every person who produces to him the collectors receipt as aforesaid, & shall consider him or them as exempt from militia duty

Duty of captains herein.

( 87 )

for the year for which the said tax shall have been so paid and no longer, and it shall be the duty of all and every person claiming exemption by virtue of his said receipt, or by virtue of his having paid the said tax, to make the same known to the captain or other officer within whose bounds he or they may be or reside on the first day of April next, and on or before the first day of April annually thereafter, otherwise he or they shall be subject to enrollment and duty as all other persons are or may hereafter be, and it shall be the duty of the captain or other officer within whose bounds any person or persons as aforesaid shall claim exemption by virtue of the payment of the tax as aforesaid to transmit to the territorial auditor a list of all persons who may have so paid the said tax which list certified by the said officer

shall be a sufficient voucher to charge the several collectors therewith.

§ 5. *Be it further enacted*, That to each regiment there shall be two majors, one lieutenant colonel and one colonel commandant.

§ 6. *Be it further enacted*, That the warrant of a captain shall be sufficient authority for any non-commissioned officer to act, all non-commissioned officers to serve only during the will and pleasure of their captain.—This law to be in force from and after the passage thereof.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council,*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

( 88 )

CHAPTER XL.

AN ACT *fixing the times of holding the courts within certain counties in this Territory and for other purposes.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the judges of the courts of common Pleas of the several counties within this territory shall hereafter hold but three sessions or terms in each of the counties annually and no more, and that the courts commonly called county courts and the terms or times of holding the same are hereby abolished and done away.

§ 2. *Be it further enacted by the authority aforesaid*, That the judges of the courts of Common Pleas of the several counties hereafter named shall hold their said three sessions annually as follows, to wit: for the county of Dearborn on the first Mondays in April, August and December; for the county of Franklin on the second Mondays in April, August & December; for the county of

How officer-  
ed.

Captains to  
appoint and  
dismiss non-  
commission-  
ed officers at  
pleasure.

Terms of C.  
P. courts,

Dearborn,  
Franklin &  
Wayne.



Wayne on the third Mondays in April, August and December.

§ 3. *And be it further enacted by the authority aforesaid*, That if it should so happen in any of the counties in this territory that the time allowed by law for the terms of the said courts, to wit: six days for each term should prove too short so that the business to be done thereat cannot be compleated or transacted for want of time, it shall and may be lawful for the judges of the said court or courts or a majority of them to ad-

C.P. may  
prolong their  
sessions be-  
yond 6 days.

( 89 )

ourn the same to the Monday of the following week then to set three days and no more; provided however that there shall be no jury trials had or held before the said courts or any of them on either or any of the said days they may so sit by adjournment.

§ 4. *And be it further enacted*, That the judges of the general court or judges of oyer and terminer, nisi prius and general jail delivery shall and may hold circuit courts under the same regulations as heretofore pointed out by law in the following counties, at the following periods, to wit: for the county of Harrison on the last Monday in September; for the county of Clark on the first Monday in October; for the county of Jefferson on the second Monday in October; for the county of Dearborn on the third Monday in October; for the county of Franklin on the fourth Monday in October, and for the county of Wayne on the first Monday in November, annually.

Times of  
holding cir-  
cuit courts.

§ 5. *And be it further enacted by the authority aforesaid*, That all suits now pending in any of the aforesaid courts and all process made returnable to any time or times heretofore pointed out by law for the session or term of the said courts or any of them shall be continued over and are hereby continued over and made returnable to the periods and times herein express as fully and completely as if the said process or suits had been originally made returnable or proceedings had been originally continued to the said terms or periods herein expressed.

Suits conti-  
nued over.

§ 6. *Be it further enacted*, That the business heretofore transacted by the judges of

M

( 90 )

the courts of Common Pleas at their term or courts heretofore called county courts shall hereafter be done transacted and performed by them at the courts or terms herein pointed out and at no other period.

§ 7. *And be it further enacted*, That all laws and parts of laws coming within the purview of this law shall be and they are hereby repealed, this law to take effect and be in force from and after the passage thereof.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council,*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

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## CHAPTER XLI.

AN ACT, *to amend an act, entitled an act, authorising and regulating arbitrations.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the award or final determination of the umpire or arbitrators made agreeable to the act to which this is an amendment shall be drawn up in writing and shall be signed by him or them, or so many of them as agree thereto; and a true copy of the said award or umpirage, shall within fifteen days thereafter be delivered by the umpire or arbitrators to each of the parties or left at his, her or their usual place of abode, and if either of the parties shall refuse or neglect to obey the said award or umpirage the

Award to be  
in writing.

Copies to be  
delivered to  
parties with-  
in 15 days,

## ( 91 )

other party may return the same together with the submission or arbitration bond to the court named in the submission, or if no court be named in the submission, then to the court of Common Pleas or to the General court, and the submission and award or umpirage so returned shall be entered on record and filed by the clerk and a rule thereupon made, that the person against whom the award or umpirage is to operate to shew cause at that or the next succeeding court why the said award or umpirage should not be made the judgment of the court, and if the party should fail to appear having had ten days previous notice, or appearing should not shew in the opinion of the court sufficient cause, the court shall then proceed to enter judgment thereon, which judgment shall have the same force, effect and operation as judgment in other cases—Provided always, that before any rule of court is made thereon, the party moving for such rule, shall produce to the court satisfactory proof of the due execution of the submission or arbitration bond, also that the party refusing or neglecting to obey the award or umpirage hath been furnished with a true copy thereof as aforesaid, and proved further that the party shewing cause why the award or umpirage should not be made the judgment of the court shall be at liberty to produce before the court any evidence he can to shew that the said award or umpirage was obtained either by mistake in matter of law or fact, or that the same was obtained by corrupt or other undue means, and in either case the said award

Submission and award to be entered of record.

Rule of court thereupon.

Requisites to before confirmation of rule.

Causes for setting aside an award.

## ( 92 )

or umpirage shall be annulled and entirely set aside at the costs of the party presenting the same.

§ 2. *And be it further enacted by the authority aforesaid,* That in all cases when an award or umpirage shall be presented to any court of record within this territory for a judgment to be entered thereon, whether the refer-

ence shall have been made by rule of court or otherwise, it shall be the duty of the court to which the same shall be presented as aforesaid to hear any evidence either party may offer either to invalidate or support the same and to set aside or enter judgment on the said award or umpirage as to said court it shall seem just.

§ 3. *And be it further enacted*, That the fourth section of the act to which this is an amendment shall be and the same is hereby repealed.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

## CHAPTER XLII.

AN ACT *supplemental to the law levying a land tax.*

*BE it enacted by the Legislative Council and House of Representatives, and it is here-*

( 93 )

Manner of  
rating land.

*by enacted by the authority of the same*, That it shall be the duty of the several listers of lands in the several counties within this territory in making out their said lists or rates to rate the said lands as follows, to wit: where two thirds of any tract of land listed or rated by them or any of them shall be first rate land, the whole tract shall be deemed as first rate and listed or rated accordingly, and where two thirds of any tract of land listed or rated by the said listers shall be second rate land the whole tract shall be rated or listed as second rate land, and where two thirds of any tract of land rated or listed by them shall be third rate land, the whole

of the said tract of land shall be deemed as third rate land and rated accordingly.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

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### CHAPTER XLIII.

A JOINT RESOLUTION *making certain specific appropriations,*

*BE it resolved by the Legislative Council and House of Representatives, That Jones and Dubois be and they are hereby allowed*

( 94 )

the sum of three dollars for paper furnished the present legislature.

*Be it further resolved, That there be and there is hereby allowed to Benjamin Adams for fire wood furnished at the same the sum of two dollars thirty seven and a half cents.*

GENL. W. JOHNSTON.  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council,*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

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### CHAPTER XLIV.

A JOINT RESOLUTION *for the distribution of the Laws.*

*RESOLVED by the Legislative Council and House of*



*Representatives*, That so soon as the laws of the present session may be completed by the printer, it shall be and it is hereby made the duty of the territorial auditor to receive the same, forty copies whereof he shall forward to each of the several counties within the said territory, and the remainder of the said laws he shall deposit in the territorial secretary's office, the expences of the said transportation of the said

( 95 )

laws shall be paid out of the territorial treasury on the warrant of the said auditor.

GENL. W. JOHNSTON.

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—19th Dec. 1811.

WILLIAM HENRY HARRISON.

CHAPTER XLV.

AN ACT *supplemental to the act in amendment of the act entitled an act regulating county levies.*

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the several county treasurers appointed by the act to which this is a supplement, shall respectively receive the sum of five per cent on all monies by them respectively paid as such treasurer or treasurers.

Fees of  
county trea-  
surers.

GENL. W. JOHNSTON,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.

( 96 )

## CHAPTER XLVI.

A JOINT RESOLUTION *allowing compensation to Gen. John Gibson, for certain extra services.*

RESOLVED *by the Legislative Council and House of Representatives*, That the territorial auditor be and he is hereby directed to audit to John Gibson the sum of forty dollars, payable at the treasury as in other cases, for his trouble in attending at the secretarys office and distributing to the members of the Legislature and other officers, different laws at different times.

GENL. W. JOHNSTON,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

Approved—19th December, 1811.

WILLIAM HENRY HARRISON.



## TABLE

OF

## CONTENTS.

	Page.
An act Dissolving the Marriage of Jane Richardson, with her husband Jacob Richardson,	3
An act to dissolve the marriage of Elizabeth Richardson with Isaac Richardson her Husband,	4
An authorising the Auditor of Public Accounts to audit interest in certain cases,	6
An act providing for the auditing of claims against the Indiana Territory, and for other purposes,	7
An act for Recording Town Platts,	8
An act to amend an act for the removal of the Seat of Justice of Clark County,	10
An act for fixing the permanent seat of justice in and for the County of Franklin,	11
An act fixing the Salaries of certain officers.	13
An act Supplementary to an act entitled an act, for the formation of two new Counties out of the Counties of Dearborn and Clark,	ibid.
An act for the relief of the securities of John M'Candless, late Sheriff of Knox county, and Spier Spencer, late Sheriff of Harrison county, deceased,	14
An act in amendment and aid of the law, entitled an act regulating prison and prison and prison bounds,	15
An act to amend an act entitled an act to encourage the killing of Wolves,	16
An act to dissolve the marriage of Marian Bornand with Henry S. Bordnand, her husband,	17
An act for the relief of Daniel Sullivan, late Assessor for the County of Knox,	18
An act for the relief of Parmenas Beckes, later Sheriff of Knox county,	19
An act regulating the General Elections of the Indiana Territory,	20
An act to dissolve the Marriage of Benjamin V. Beckes, and Sally his Wife,	33

292 INDIANA HISTORICAL COLLECTIONS

An act regulating the proceeding in indictments. 34

N

( ii )

	Page.
An act for the relief of James Hamilton, Sheriff of Dearborn county,	35
An act respecting the General Fund,	37
An act repealing the benefits of the act concerning Executions in certain cases,	38
An act authorising the Courts of Common Pleas to issue Writes of Habeas Corpus and Certiorari in certain cases,	38
An act for the relief of Willis W. Goodwin, late Sheriff of Clark county,	41
An act for the relief of Daniel Sullivan, late collector of the county of Knox,	42
An act supplementary to the act entitled, an act regulating the General Elections of the Indiana Territory,	43
An act authorising the court of common pleas of Dearborn county to allow the sheriff thereof compensation for certain services,	44
An act for regulating the appointment of officers and for other purposes,	45
An act in aid and amendment of the act allowing foreign attachments and the act prescribing the mode of proceeding against absconding Debtors,	46
An act in amendment and aid of the law entitled "an act for opening and regulating Public Roads and Highways,	47
An act allowing compensation to the members of the Legislative Council and House of Representatives of the Indiana Territory, and to the officers of both houses at the present session.	48
A joint resolution respecting a certain audited warrant,	49
An act allowing compensation to the legal Representatives of John M'Candliss, Esquire deceased, late sheriff of Knox county for certain services,	50
An act supplementary to an act entitled an act to establishing Ferries,	51
An act making appropriations for the ensuing year,	52
An act to amend the act entitled an act for laying and collecting a Tax on Land and for other purposes, and repealing part of the said act,	54
An act to amend the act entitled an act establishing courts for the trial of small causes,	66



An act in amendment of the act entitled a law to regulate County Levies,	77
Joint resolutions respecting the Auditor and Printer,	84
An act to amend an act establishing and regulating the Militia, and in aid of an act supplemental to an act establishing and regulating the Militia,	85

## ( iii )

	Page.
An act fixing the times of holding the courts within certain counties in this Territory and for other purposes,	88
An act, to amend an act, entitled an act, authorising and regu- lating arbitrations.	90
An act supplemental to the law levying a land tax.	92
A joint resolution making certain specific appropriations,	93
A joint resolution for the distribution of the Laws,	94
An act supplement to the act in amendment of the act entitled an act regulating county levies.	95
A joint resolution allowing compensation to Gen. John Gibson, for certain extra services.	96

## ERRATA.

In the 54th page in the 5th line from the bottom, the word "or" is omitted, it should read "thereafter, or, at any special term, &c." instead of "thereafter at any special term."



A C T S  
OF  
ASSEMBLY  
OF THE  
*INDIANA TERRITORY,*  
PASSED  
AT THE  
FIRST SESSION  
OF THE  
FOURTH GENERAL ASSEMBLY  
OF THE  
SAID TERRITORY,

Begun and held at the *Borough of Vincennes,* on  
*Monday* the first day of *February,* A.

D. one thousand eight hun-  
dred and thirteen.

— : \* : \* : —

PRINTED BY AUTHORITY.

— : \* : \* : —

VINCENNES:

PRINTED BY ELIHU STOUT,  
PRINTER TO THE TERRITORY,

— : \* : —

1813.



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A C T S  
OF THE  
INDIANA TERRITORY,  
PASSED AT THE  
FIRST SESSION  
OF THE  
FOURTH GENERAL ASSEMBLY.

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CHAPTER I.

AN ACT *to revive and amend an act entitled an act to Incorporate  
the Vincennes Library Company.*

WHEREAS it hath been represented that the Charter of the Vincennes Library hath been forfeited, and that a revival of the same would promote the objects of the Institution, and be the means of disseminating useful knowledge—therefore

BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the act entitled “An act to Incorporate the Vincennes Library Company,” approved, September seventeenth, one thousand eight hundred and seven, be, and the same is hereby revived, and that the operation, validity and effect, of the said act, in regard to all rules, and the privileges, immunities, authority and powers, regulations, bye-laws, acts and proceedings of the share holders in the said Library Company, at the annual, stated, adjourned or special

Proviso.

Former act  
revived.

Proceedings  
of shareholders,  
&c. de-  
clared valid.



( 4 )

meetings of the same, or of the president and directors of the said Library Company, shall be as full, ample, complete and valid as though the said act or charter had not been forfeited; hereby ratifying and confirming the electing, by the said share holders of five directors, instead of seven, as was provided by the said act or charter, and that in future five directors for the said Library only shall be elected.

JAMES SCOTT,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—Feby. 15th, 1813.

JOHN GIBSON.

CHAPTER II.

AN ACT *for improving the Navigation of White Water.*

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That it shall be the duty of the courts of Common Pleas of the several counties in this territory, through which so much of White Water, as is by this act declared navigable, may run, at the first term of said courts to be held in said counties after the first day of May next, to lay off said river into Precincts or Divisions; which pre-

Courts to lay off precincts or divisions.

( 5 )

cinets or divisions so laid off, shall be considered as permanent until altered or changed by any of said courts, in their respective counties; and it shall also be the duty of the said courts respectively, at the time they shall lay off said river into precincts or divisions, to appoint a surveyor or overseer to each precinct or division, and allot

Appoint overseers, assign hands, &c.

to each a sufficient number of hands of said county who are compelled to work on roads by law, to remove all obstructions in said river, and to keep the same open for navigation.

§ 2. *Be it further enacted*, That it shall be the duty of the Clerks of the respective courts within twenty days after the appointments of surveyors or overseers as by this act directed, to make out and deliver to their respective sheriffs copies of the several orders appointing surveyors or overseers, specifying therein the bounds of the precincts or divisions to which each one is appointed and the hands to each precinct or division allotted; and it shall be the duty of the respective sheriffs within twenty days after the receipt of said copies to notify each person so appointed as surveyor or overseer of his said appointment either by delivering to him a copy of the said order or by leaving the same with some person at his usual place of residence; and the several persons so appointed as surveyors or overseers when they shall be notified thereof, shall call on the hands to each of them allotted, and with said hands shall as often as shall be found necessary not exceeding two days in each year proceed and clear out all obstructions to the navigation of said stream, to be removed and cut all tim-

Clerks to make out & deliver orders to sheriffs

Sheriffs to notify overseers of their appointment

Duty of overseers.

( 6 )

ber projecting over said stream, that may be necessary, to cut all shrubs of all points and islands, remove all fish-dams or logs, rocks and shoals that may be necessary: *Provided however* nothing herein contained shall be so construed as to effect any fish-dam or dams, mill or mills which may be before the passage of this act erected on said stream: *Provided*, That if their dams should be so high at the present, or raised so high hereafter as to effect the navigation at the time of high water, the owner or owners shall erect and keep in complete order

Proviso.

In certain cases owners to erect and keep in repair slopes & locks.

P. (6), l. 5. In the enrolled act the word "fish" appears between the words "or" and "dams."—ED.

Penalty in case of neglect.

slopes and locks sufficient for boats to pass commonly called flat bottom boats, under the penalty of fifteen dollars for every month he, she or they shall neglect, to be recovered by action of debt, in any court of record in this territory having competent jurisdiction thereof, by any person that will sue for the same, one half to the informer, and the other for the use of the county: *Provided also*, That any person hereafter building any mill and erecting a dam across said stream, having obtained leave according to the laws of the territory, shall be governed by the foregoing provisions.

Persons building mills to be governed by this act.

Courts may change the bounds.

Overseers hold their appointment for one year.

§ 3. *Be it further enacted*, That the several courts aforesaid shall have full power when at any time it shall seem to them expedient to alter or change the bounds of the several precincts or divisions in their respective counties, and to re-allot the hands thereto; and any surveyor or overseer appointed in pursuance of this act shall hold his appointment for one year, and in case of removal out of the bounds of his precinct, or death, the respective courts shall forthwith

## ( 7 )

Vacancies how filled.

appoint some other fit person to fill said vacancy who shall be notified thereof as is above directed.

What part declared navigable.

Penalty for obstructing

How recovered & how applied.

§ 4. *Be it further enacted*, That the said river shall be considered and is hereby declared navigable from the three forks of White water and down the West fork to its junction with the East fork, and thence the main river to the meridian line dividing the state of Ohio and this territory, and any person or persons who shall in any manner obstruct, or shall fall or place any tree or trees in or across said river within the bounds by this act declared navigable, unless authorised by this act in manner aforesaid, shall for every such offence forfeit and pay the sum of five dollars to be recovered before any Justice of the Peace in the county where such offence shall have been committed, one half thereof shall go to the use of

the informer, and the other half shall be paid to the surveyor or overseer of that part of the river where said offence shall have been committed, to be by him applied to the further improvement of the navigation of said river, and such obstruction shall be removed by the surveyor or overseer.

§ 5. *And be it further enacted*, That the said surveyors or overseers and the hands allotted to each precinct or division shall be subject to the same laws and penalties for failures in their several duties enjoined on them by this act, that are in force against surveyor, supervisors or overseers and hands that fail to comply with their respective duties in working on public roads. This act

Overseers &  
hands sub-  
ject to what  
penalties &c.

( 8 )

to be in force from and after the first day of May next.

JAMES SCOTT,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

APPROVED—February 16, 1813.

JOHN GIBSON.

### CHAPTER III.

AN ACT to amend the act entitled "*An act to License and Regulate Taverns.*"

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the Clerks of the Superior and Inferior courts of the several counties thro'-out this territory, shall at the next and every court holden in each county to which grand jurors shall be summoned after the promulgation of this act, so soon as the grand jurors are empannelled sworn and charged, lay before them a list of the tavern keepers thro'-out the county, express-

Clerks to lay  
before the  
courts a list  
of tavern  
keepers.

ing the date of their licenses and the time of their expiration, for which purpose the clerks of the Inferior courts, shall prior to the meeting of the General court, at each and every term, furnish the clerk of the Superior court with the list of the tavern keepers, as herein above directed.

## ( 9 )

Clerks in vacation may grant permit until succeeding term.

Court may grant license for one year what price & how applied.

Clerks fee.

taverns may be suppressed and how.

Persons may sell certain things and how.

§ 2. *Be it further enacted*, That it shall be lawful for the several clerks of the court of Common Pleas throughout the territory, upon application in vacation of the court, to grant a permit to any person to keep a tavern until the next court of Common Pleas to be held in and for said county, at which term the court shall have power to grant to the person a license for one year, commencing from the date of the permit, and ask and demand from the person a sum not exceeding twelve dollars, to be applied in the same manner as is specified in the 4th section of the act to which this is an amendment. The clerk at the time of granting the permit, shall receive of the person applying, one dollar; and shall take bond and security in the same manner as directed heretofore by law.

§ 3. *Be it further enacted*, That the superior and inferior courts throughout this territory shall have concurrent jurisdiction with Justices of the Peace to punish or fine any tavern keeper or person, or suppress any tavern for the violation of the act or the provisions therein contained to which this is an amendment, upon being found guilty on an indictment.

§ 4. *And be it further enacted*, That any person or persons shall hereafter be permitted to sell beer, ale or cider in quantity as small as one quart, any thing in the law to which this is an amendment notwithstanding.—



( 10 )

This act to take effect from and after the first day of May next.

JAMES SCOTT,  
*Speaker of the House of Representatives.*  
JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—February 17, 1813.

JOHN GIBSON.

#### CHAPTER IV.

AN ACT *providing a mean to help and speed poor persons in their suits.*

WHEREAS it is intended that impartial justice shall be administered to all citizens as well to the poor as to the rich—which poor citizens have not ability to sue according to the laws of the land, for redress of wrongs and injuries daily done to them, as well concerning their persons and their inheritance, as other causes; for remedy whereof,

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That every poor person who shall have cause of action against any person within this territory, or who shall be defendant in any suit, shall have by discretion of the court before whom he or she would sue, writs original and writs of subpoena according to the nature of his or her cause, nothing paying

Proviso.

Poor persons  
plffs. or de-  
fendants to  
have certain  
writs free of  
costs.

( 11 )

for the same; and the said court shall direct the clerk to issue the necessary process, shall assign to him or her council learned in the law, and appoint all other officers requisite and necessary to be had for the speed of the said suit, who shall do their duties, without any reward for their counsels, help and business in the same.

Court assign  
counsel, &c.

§ 2. *Be it further enacted*, That any judge of the General court or court of Common Pleas in this territory, shall have the same powers in vacation to order the Clerks of their courts to issue writs original and writs of subpœna for any poor person, according to the nature of the cause, and to assign council and to appoint all other officers requisite and necessary to be had for the speed of the suit.

§ 3. *And be it further enacted*, That on any poor person applying to the said Judge or Judges, for any writ or writs, or other process as aforesaid, it shall be the duty of the said poor person, previous to making such application, to go before some Justice of the Peace, and make oath that he, she or they, as the case may be, are not worth in property, clear of all debts, ten dollars, and that they consider themselves unable either by industry or otherwise, to procure a sufficiency of money to carry on or defend said suit or suits, (mentioning the suit or action) and that injustice, as he, she or they believe, is likely to be done them for want of money or property sufficient to carry on the said suit or action; which oath shall be attested by the justice administering the same, and

( 12 )

shall be lodged with the judge to whom the application is made: *Provided*, That any defendant gaining any suit or action brought against them by such poor person, shall not be held responsible for or bound to pay any costs that may have accrued in defending such suit or action: *Provided also*, That if any poor person or persons should obtain a judgment, he, she or they shall recover full costs, and that the officers concerned shall receive their fees accordingly.

§ 4. *Be it further enacted*, That each and every person who shall take a false oath under the third section of this law, upon conviction thereof, by indictment, shall

Judges in vacation may order process assign counsel, &c.

Poor persons how to proceed, &c.

Proviso.

Persons taking false oath how punished.

suffer the pains and penalties of perjury. This act shall take effect from the passage hereof.

JAMES SCOTT,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—February 24, 1813.

JOHN GIBSON.

## CHAPTER V.

AN ACT to amend an act entitled "*An act providing for the appointment of Constables.*"

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That hereafter no person shall be ap-

( 13 )

pointed to the office of Constable, in any county or township within this territory who does not possess a freehold estate to the value of three hundred dollars, unless such person shall execute and deliver a bond with at least one sufficient freeholder as his security, payable to the Clerk of the court of Common Pleas of the county in which he resides, in the penal sum of three hundred dollars, with a condition that he will faithfully perform the duties of his office as Constable, which bond shall be held for the benefit of the suitors in the courts of the justices of the peace. And the freehold estate or estates of such Constable or his securities, as the case may be, shall be bound and held liable to satisfy any judgment or judgments which may be had or obtained against such Constable, for any neglect or misfeasance in his said office, whether

Constables  
what persons  
may be ap-  
pointed and  
how.

such judgment be obtained during his continuance in office or afterwards.

JAMES SCOTT,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—February 25, 1813.

JOHN GIBSON.

CHAPTER VI.

AN ACT *directing the mode of changing the Venue.*

§ 1. BE *it enacted by the Legislative*

( 14 )

*Council and House of Representatives, and it is hereby enacted by the authority of the same, That all suits or actions now pending or hereafter to be instituted, in the courts of Common Pleas of this territory, where either of the parties in the suit shall fear that he, she or they will not receive a fair trial in the court where it is pending, owing to the interest or prejudice of the judge or judges of the court where the suit is pending; or that the sheriff or coroner is interested or prejudiced; or that the adversary of the person applying has an undue influence over the minds of the citizens of the county where the suit is depending; or that the person applying is so unfortunate that he does not expect a fair trial; or that his defence is odious, though legal; it shall be lawful for the said party to petition a judge of the court aforesaid where the cause or action may be pending, for a change of venue for the said cause, distinctly setting forth the cause of fear that he will not receive a fair trial, and supported by his or her affidavit, on which the judge shall, under his hand, award a change of venue, and order the Clerk of the court where the suit is depending to send*

Causes for which parties may remove suits.

Party to petition & how

How judge to proceed.

forward the papers in the suit by some fit person whom the Clerk shall employ, to such court having jurisdiction in similar cases as the said judge may direct: and the Clerk of such court shall receive them, and give a receipt for them, and docket the suit in order; and the court shall have full power and jurisdiction to award subpoenas for witnesses, to enforce their attendance, to grant commissions for taking depositions, to

Clerk to forward papers and how.

Court, authority of,

( 15 )

hear and determine the said controversy, to award execution, and to do every thing relative thereto which the court, from whence the cause was removed, might or could have done.

§ 2. *Be it further enacted*, That any person convicted of taking a false oath, when swearing to the truth of the allegations contained in his petition shall be adjudged guilty of perjury, and suffer accordingly: *Provided*, That no judge, sheriff or coroner, charged as aforesaid, or adversary in the cause shall be admitted as a witness against the petitioner.

Party taking false oath how punished, &c.

§ 3. *Be it further enacted*, That the expence attending the removal of such suit shall be paid by the petitioner, and taxed in the bill of cost, at the determination of the suit, should he succeed. The person who conveys the papers shall have ten cents for every mile he may necessarily travel in going to and returning from the Clerk's office, which shall be paid to the Clerk before the papers leave the office.

Expense of removal by whom paid and how.

§ 4. *Be it further enacted*, That the Clerk shall be answerable for the fidelity of the person he employs to transport the papers from his office, but not for accidents not arising from neglect.

Clerk answerable for papers, how, &c.

§ 5. *Be it further enacted*, The venue in no case shall be changed unless the petitioner deposits the order of the judge for removing it, together with the petition and affidavit aforesaid, which shall be carefully preserved by the Clerk, and the necessary expences attending the re-

Order for removal & affidavit deposited with the clerk, and when.



moval, with the Clerk having custody of the papers, at least thirty days

( 16 )

before the court to which the suit shall be set for trial  
 § 6. *And be it further enacted*, That the venue may be changed from the General court to any of the Circuits, or from one Circuit to another, or from the Circuit to the General court in the same manner and under the same regulations as is above provided for the change of venue from one court of Common Pleas to another.

Venue may  
be changed,  
&c.

JAMES SCOTT,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 1, 1813.

JOHN GIBSON.

## CHAPTER VII.

AN ACT *repealing all laws or parts of laws making it necessary to obtain a License for vending any article or articles the product or manufacture of the United States or Territories thereof.*

Certain laws  
repealed.

*BE it enacted by the Legislative Council and House of Representatives, of the Indiana Territory, and it is hereby enacted by the authority of the same*, That all laws or parts of laws making it necessary to obtain a license for the vending of any article or articles, the product or manufacture of any of the adjoining states or territories, are hereby repealed; and so

( 17 )

much of the law as makes it necessary to obtain a license for retailing cotton, iron or castings be, and the same is

hereby repealed. This act to take effect from and after the first day of April next.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 1, 1813.

JOHN GIBSON.

### CHAPTER VIII.

AN ACT *to reduce into one the several acts establishing a permanent Revenue.*

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the lists of taxable property in this territory shall hereafter be taken and ascertained in the form and manner following, viz. That the court of Common Pleas of every county shall at their first court after the first day of April next, and at the first court of Common Pleas after the first day of January thereafter, appoint some fit person in the bounds of each township to receive and take in all lists of taxable property within the same, and also have full power to make

Courts of C.  
P. appoint  
persons to  
take in list of  
taxable prop-  
erty,

C

( 18 )

appointments whenever they shall think proper to do so. And each person appointed by virtue of this act for the purpose of taking in the lists of taxable property shall, before he begins to exercise the duties of his office take the following oath or affirmation before some justice of the peace,

Persons ap-  
pointed to  
take oath.

“I, A B, do solemnly swear or affirm (as the case may be) that I will to the best of my knowledge, diligently Oath

and faithfully execute the duties of a commissioner in taking in the lists of taxable property in the township to which I am appointed according to the directions of this act hereinafter specified, without favour, affection or partiality,—So help me God.”

A certificate of which oath shall be transmitted by the justice administering the same to the Clerk of the county, whose duty it shall be to preserve the same.

§ 2. *Be it further enacted*, That the following taxes shall be paid annually, for one hundred acres [and so on in proportion for a greater or less quantity]

Of 1st rate land 75 cents,

2d rate 50 cents,

3d rate 25 cents.

For every slave or servant of colour above 12 years of age, two dollars.

For every horse, mare, mule or ass, over 3 years of age [except covering horses] not exceeding thirty-seven and a half cents.

For every covering horse, the rate at which he covers the season.

For every retail store, twenty dollars.

Town lots are subject to a tax in the proportion of 50 cents on every hundred dol-

( 19 )

Rate of taxation, &c.

lars of their value, which is estimated by the commissioner, including the improvement, and if the owner thinks himself aggrieved by such appraisement he has the right of appeal to the next court of Common Pleas, who can alter the assessment to what they may think just.

For every tavern not more than 20 dollars.

For every ferry not more than 10 dollars.

For every billiard table, 50 dollars.

§ 3. *And be it further enacted*, That every commissioner appointed as aforesaid immediately after the first day of June begins and proceeds without delay to call on every person in his township subject to taxation, or

When commissioner to take in list and how.

having taxable property in his possession or care for a list thereof, the list being distinctly read over by the commissioner to the person delivering it, he takes an oath or affirmation [administered by the commissioner] that it contains an accurate account of all taxable property within the territory belonging to him or in his care on the twentieth of May preceding, and that no method hath been used to evade the payment of the taxes, and each commissioner enters his own property in the general list.

§ 4. *Be it further enacted*, That every land-holder whether he claims by bond, entry, deed or patent includes in the list he gives the commissioner all his land and specifies as far as he can the quantity of each tract, the county and water course it lies on and its quality, together with the number of section, quarter section, township and range if he can number and letter.

Land holders  
how to give  
in list.

§ 5. *And be it further enacted*, That if

( 20 )

the greater part of a tract be superior to second rate it shall be denominated first rate, if the greater part be superior to third it is denominated second rate, if the greater part be inferior to second rate it is denominated third; any tract which the owner can give no account of shall be deemed second rate.

Land how de  
nominated.

§ 6. *And be it further enacted*, That every commissioner appointed as aforesaid shall make out three general alphabetical lists of property in his township, when each individual list was received, the person chargeable with taxes, the number or quality of every species of property, the quality of the land, the county it is in and the water course it lies on, the section quarter section [and if numbered the number and letter] or fraction, township and range, and whether by patent, entry, deed or bond. These lists together with the original list shall by the commissioners respectively be delivered to the clerks of the courts of Common Pleas on or before the

Commissi-  
oners make  
out alphabe-  
tical list  
where deliv-  
er them and  
by when.

Duty of the  
clerks.

first day of July in every year, whose duty it shall be to lay the same before the judges of the court of Common Pleas respectively at their first term after the first day of August in each year whose duty it shall be to examine and correct them, which being done their clerks shall certify that they are true copies, and the said courts respectively shall at the time aforesaid lay the tax for their counties not exceeding thirty seven and one half cents on each horse, and if necessary lay a tax on land not exceeding thirty seven and one half cents for every hundred acres of first rate land, and twenty five cents for every hundred acres of second

Courts to  
lay tax, &c.

( 21 )

How clerk  
to dispose of  
commission-  
ers books,

rate land, and twelve and one half cents for every hundred acres of third rate land; which tax together with the tax on covering horses, and the tax on retail stores and slaves or servants of colour and town lots, tavern licenses and billiard tables, shall, and is hereby declared to be for county purposes. The Clerks of the courts aforesaid respectively shall immediately after the tax is levied in manner aforesaid by the courts deliver one of the commissioners books to the sheriff of the county, together with the statement of the taxes laid and immediately forward one to the Auditor of Public Accounts and the third retain in his office for the use of the court, and as a guide to them in settling with the sheriff, and also for any person that conceives that any tract of land or town lot belonging to him has been placed in an improper class, or listed improperly or more than once, or overcharged with any species of property, may on application to any of the courts of Common Pleas in his county upon making proof thereof have the matter rectified on which the alteration shall be certified by the clerk to the sheriff [and to the auditor if it concerns territorial taxes.]



§ 7. *And be it further enacted,* That if any person refuse to give a list of his taxable property under the requisitions aforesaid, or deliver a false or fraudulent list, he shall be liable to a fine of ten dollars, and the commissioner shall proceed to list it agreeably to the best information he can procure and such property shall be subject to a triple tax, which shall be collected and distrained as other taxes, and together with the fine shall be

Persons refusing to give list of taxable property or giving false one how punished.

## ( 22 )

recovered in the following manner:—The commissioner shall give information thereof to the next court of Common Pleas for the county, a summons from which shall immediately issue requiring the party to appear at the next court to shew cause if he can, why he should not be fined and triple taxed, on being served therewith by the sheriff and appearing, he shall immediately plead to issue, and the matter shall be enquired into by the court or a jury at his option; and if he fail to appear the court shall give judgment and award execution for the fine, treble tax and costs, unless for good cause shewn the court continues the same til the next term and the court certifies the same to the sheriff and to the auditor if it concerns the territorial tax, that the fine, tax and costs may be collected and accounted for as other taxes after deducting the clerks and sheriffs fees, and a reasonable allowance to the commissioner; and if any person knowing of a false or fraudulent list being given, takes the same steps in informing the court thereof and recovering the fine, one half of which he shall receive.

How recoverable, &c.

§ 8. *Be it further enacted,* That the commissioners respectively shall make their books in the form following:

Quantity.	100
Letter.	B 500
No. of Lot.	20 5 16
	Clark's grant.
Rates of covering per season.	D. C. 15 12 50 10
Stud horses.	5 1 5
Horses, mares, &c.	5 6 6 3 1 10
Blacks above 12 years old.	3 8 4
Range.	4 1 3 3
Township.	4 1 3 8
Quarter section.	8 w qr. s. e. n. e.
No. of section or fraction.	16 12 9
Bond.	
Deed.	Deed.
Entry.	Entry.
Patent.	Patent
Water course on which the land lies.	Hogan. Ohio. Wayne. River.
County in which the land lines.	Mason. Clark. Wayne.
Number of acres of Land.	Third rate.
	Second rate.
	First rate.
Persons names chargeable with the tax.	160
	520
	160
Date of receiving lists.	Doc John. Fen Richd. John Good.
	April, 15th, 1813.
	17 19

( 26 )

§ 9. *Be it further enacted*, That no person who shall be appointed a commissioner for the purposes aforesaid shall hold the offices of either principal or deputy sheriff for one year after he shall have acted as commissioner, and as a compensation to the commissioners respectively for services rendered by them under this law they shall be exempt from fine for not doing militia duty, working on high-ways and serving as jurors for one year, and the person so appointed as commissioner by the court of Common Pleas for the purposes aforesaid (if accepted of by the person so appointed) or clerk of the court aforesaid failing to perform any one of the duties imposed upon them by this act shall be subject to a fine not exceeding one hundred dollars, to be recovered by the prosecuting attorney in the court of Common Pleas on motion, ten days notice of such motion being first given by the prosecuting attorney, and if the failure relates to the territorial tax, the Clerk of the court shall certify the same to the auditor, and forthwith send the fine after its collection to the territorial treasurer, after the court deducts such costs as they may allow which shall accrue on the motion.

Who shall not be commissioners.

Compensation to commissioners.

Penalty on commissioner or clerk for neglect of duty &amp; how recovered;

§ 10. *Be it further enacted*, That the commissioners appointed from year to year under this law shall enquire of every person when taking in taxable property in his township whether he she or they listed their taxable property with the commissioner for the preceding year, and if they failed, it shall be lawful for the commissioner to list it and note it on his books for what year, and all

Duty of commissioner.

( 27 )

persons that failed to list their property with the lister in the several counties throughout this territory for the year one thousand eight hundred and twelve, shall list their taxable property with the commissioners for the

Duty of commissioners continued,

present year; and the said commissioners are hereby required to make a note on their books as before mentioned, excepting those persons that have been fined for a failure in not giving in their taxable property to the lister under the act to amend the act entitled "An act for laying and collecting a tax on land and for other purposes, and repealing part of the said act."

§ 11. *And be it further enacted*, That the Judges of the courts of Common Pleas in the several counties shall at their first term after the first day of April next, and at their first term after the first day of January in every year thereafter take bond and sufficient securities of the sheriffs in the penalty of three thousand dollars, payable to the governor of the territory and his successors in office, conditioned for the payment of all taxes which ought to be collected by him for the year, and for the faithful performance of all duties enjoined on him by this law, which bond may and shall be moved from time to time, until the whole be recovered by persons hereinafter legally authorized; and the clerks of the courts of Common Pleas respectively shall transmit an attested copy of such bond to the secretary of the territory on or before the first day of September in every year, which shall be filed by the secretary in his office, and which copy shall be evidence against the sheriff and his

Courts of C.  
P. to take a  
bond of the  
sheriff, &c.

Clerks trans-  
mit bond &c

( 28 )

securities on any motion made on the bond by the auditor.

§ 12. *And be it further enacted*, That in order to carry this law more fully into execution for the present year and every year hereafter, the judges of the courts of Common Pleas of the several counties shall hold special courts on the second Monday in August or so soon thereafter as a court can be formed for the purpose of examining the commissioners books, and do every thing relative thereto, lay the tax, and the Clerks certify the commissioners books in the same manner as mentioned in the sixth section of this law.

Courts of C.  
P. to hold  
special sessi-  
on & when.

§ 13. *And be it further enacted*, That the commissioners of the several townships within the respective counties as aforesaid shall proceed to obtain from the best information in his or their power lists of non-residents lands in which he shall describe the said lands as those of residents, and shall from the best information he can procure set the said lands down as first, second or third rate lands as the case may require, which lands shall be taxed as other lands are or may be, and shall and may be exposed to sale for non-payment of taxes as in other cases.

Commissioners how to proceed with lands of non-residents.

§ 14. *And be it further enacted*, That the sheriffs of each county as collectors, shall, on or before the first day of October annually demand payment of the taxes so rated and assessed under this law due the territory and the counties respectively from each inhabitant in his county, which de-

Sheriffs to demand taxes & by when and how.

## D

### ( 29 )

mand shall be made by the said sheriffs or his or their deputy in person, or notice left at his, her or their usual place of residence or abode, which if not paid to the said sheriff or his deputy as aforesaid on or before the said first day of October next, and on or before the first day of October annually, it shall be the duty of the said sheriff and he is hereby empowered to take the personal property, goods or chattels of the person or persons so failing to pay their said land taxes and their taxes for county purposes, and shall thereupon proceed to give ten days notice of the time and place at which he intends exposing the said goods or chattels to sale by advertising the same in the most public place in the township wherein such delinquent or delinquents reside: *Provided however*, That the said delinquent or delinquents may at any time before the property distrained be sold, ask for, demand and receive the said property on tendering on tendering

In case of non payment how sheriff to proceed.

Delinquent may redeem property.



to the said sheriff or sheriffs the amount of his, her or their taxes, territorial or county, then due, and the expences of keeping the same, together with fifty cents to the said sheriff for his trouble and expense in distraining and advertising the said property, and in case the property so distrained and taken sells for more than the territorial & county taxes due from the said delinquent or delinquents the said sheriff shall be entitled to receive therefrom for his trouble and expense in selling and seizing the same, the sum of fifty cents, but in case there is not a sufficient sum produced by the sale of such

Sheriff may  
make a se-  
cond distress

( 30 )

property to pay the said taxes, the sheriff shall, and he is hereby authorised by a second distress to make the said amount in the monies aforesaid: *Provided however also,* That the delinquent or delinquents who may think him, her or themselves aggrieved by any such distress or sale as aforesaid may apply to the court of Common Pleas at the term next to be holden in and for the said county, who shall examine the same, and if the said court are of opinion that the said sheriff has acted improperly in such sale or sales they shall give to the party injured such redress as the nature of the case requires.

Persons ag-  
grieved by  
such distress  
may appeal.

§ 15. *And be it further enacted,* That in case of any delinquencies or non-payment of taxes as herein directed, and that no personal property, goods or chattels of such delinquent or delinquents as is or are to be found within the said county wherein the lands of such delinquent or delinquents do lie, it shall be the duty of the sheriff as collector, to proceed to levy and collect the sum or sums so in arrears by a sale of the land or lands at the court house door of his county of the tract of land of each person so in arrear of either county or territorial taxes or so much thereof as will bring the taxes due, to be laid off in form of a square or parallelogram in a corner of the tract designated by the sheriff at the time of sale: *Provided always,* That if the owner of any tract or tracts of land,

Where no  
personal pro-  
perty sheriff  
to take land.

or any person for him, shall, on the day on which the said land shall be advertised for sale as hereafter mentioned, tender the amount of the tax and

Owner may  
redeem the  
land & how.

## ( 31 )

costs, or deliver to the sheriff at the place of sale goods and chattels sufficient to make the said taxes so in arrears, then the said sheriff shall not sell the said land or any part thereof but shall make and levy the said taxes in arrears by a public sale of such goods and chattels, rendering the overplus if any to the owner of such land or such person for him.

§ 16. *Be it further enacted*, That it shall be the duty of the sheriff to give notice of the time and place of the sales of the lands for the non-payment of taxes to one of the Judges of the court of Common Pleas of the county at least ten days before such sales and it shall be the duty of said Judge to superintend the sales and prevent any fraud or collusion in the same; the said judge shall receive for each days attendance two hundred cents to be laid on the land sold by the sheriff and collected by him and paid by the Judge: *Provided*, That no sheriff or deputy sheriff, either directly or indirectly shall bid or purchase any lands or other property so sold as above directed to be sold.

Sheriff to notify judge of C.P. of time of sale, &c.

Sheriff or deputy not to bid.

§ 17. *Be it further enacted*, That every sheriff or collector making such sale as aforesaid, shall within forty days thereafter make return thereof to the Auditor of the territory, in which return he shall particularly state every circumstance and expence attending the same, which shall be signed by the Judge, and if any sheriff shall fail to make said return, or do his duty, or shall charge other or greater fees, either for himself or the Judge than allowed by law, he shall forfeit the sum of thirty dollars, to be

Sheriffs to make report to auditor.

Sheriffs failing to make return or overcharging fined, &c.

## ( 32 )

recovered by motion in the General court by the Auditor

for the use of the territory, and where any individual is aggrieved by the sheriff as it regards the sale of the land or an overcharge of fees, shall, in like manner be redressed by the sheriff upon motion in the court of Common Pleas of his county against the sheriff.

Sheriffs to advertise & where, &c.

§ 18. *Be it further enacted*, That prior to any sales being made of the lands of such delinquents, the sheriff shall give twenty days notice by advertising at the county seat and in some public newspaper either either in the territory or in the states of Kentucky or Ohio on the most reasonable terms he can for three several weeks successively of the time and place of such sale.

Sheriffs may receive taxes before sale.

Fees to sheriff &c.

§ 19. *And be it further enacted*, That it shall be the duty of the sheriff to receive any arrearages of territorial or county taxes at any time before the sale commences: *Provided* such delinquent pays the additional sum of five cents per tract for his own use and his proportion of the expences for printing, and in case the land should be sold the sheriff shall collect the proportion of the expence in printing on each tract to be applied for that purpose.

In case land does not sell how sheriff to proceed.

§ 20. *And be it further enacted*, That where any tract of land is not sold as aforesaid for want of buyers, it shall be the duty of the sheriff to advertise and offer for sale at two successive courts of Common Pleas and if the land shall not be sold or the taxes thereon paid with costs, it shall be the duty of one of the Judges of the said court to

( 33 )

certify that the lands so offered for sale will not sell for want of buyers, specifying the tracts, and upon the sheriff producing said certified list to the Auditor he shall give him credit for the amount of territorial taxes due thereon.

Sheriffs to give purchasers a certificate, &c.

§ 21. *And be it further enacted*, That when any lands are sold as aforesaid by the sheriff, it shall be the duty of the sheriff to give the purchaser or purchasers a cer-

tificate of the tracts or parts of tracts of land sold and specifying the tract, number or section or quarter section as specified in the duplicate for what sum; which certificate shall vest all right, title and interest of the proprietors in the purchaser and his heirs, subject to the proviso of redemption as specified in the act entitled "An act for levying and collecting a tax on land and for other purposes."

§ 22. *And be it further enacted,* That it shall be the duty of the sheriff to pay over to the territorial treasurer on or before the twenty-fifth day of December, yearly and in every year, the taxes due from his county to the territory, which monies so paid over, the treasurer shall give a receipt to the sheriff, which shall be a sufficient voucher to exonerate the said for the amount in the receipt contained, and on or before the first day of January next, and on or before the first day of January thereafter in each year, the said sheriff shall produce the Treasurers receipt to the Auditor, and it shall be the duty of the Auditor to give to the sheriff a quietus for the amount, allowing to the said

Sheriffs to pay over monies collected by what time, &c.

Auditor to give to sheriff a quietus and when.

( 34 )

sheriff nine per centum on the money so paid by the sheriff, discounting with him therefor accordingly; and on the sheriff of any county failing to pay up the territorial taxes, as specified in the foregoing part of this section the Auditor of Public Accounts shall at the next General court move against the sheriff so in arrear and his securities, without giving any notice, and recover a judgment for the amount which may be due as may appear from the commissioners books and the taxes authorised to be collected on lands for territorial purposes, together with ten per cent. in damages and all costs they may be entitled to by law upon the said sheriffs producing satisfactory evidence.

Sheriffs failing to settle how proceeded against.



Courts of C. P. to hold special session, when, & for what purpose, &c.

Sheriffs to be allowed for delinquents.

§ 23. *And be it further enacted,* That the Judges of the courts of Common Pleas of the several counties in this territory shall hold special courts at their court houses on the last Monday in November, or so soon after as a court can be formed, in every year, whose duty it shall be to adjust all claims against the county, to allow them to such persons as are by law entitled, and to authorise their Clerks to give certificates to such persons of the amount on the sheriff as collector, ordering him to pay the amount and the said Clerk shall enter them in order on his books, at which court the sheriff shall lay before the Judges a list of all delinquents charged with county taxes, and the said courts are hereby empowered to strike out the names of such persons as appear to be delinquents, and give the sheriffs credit as they may be entitled to by law, which being

( 35 )

done, the balance shall be struck, and the sheriffs shall be chargeable with that balance as it may appear from the commissioners books, which after the first day of December in every year shall be subject to the order of the said courts of Common Pleas.

Sheriff failing to make return of delinquents chargeable with whole amount prevented by sickness.

§ 24. *And be it further enacted,* That if any sheriff or collector shall after the first day of December in each and every year fail to pay any county creditor in pursuance of the order of the court, the creditor thus injured shall obtain a judgment against the sheriff and his securities in any of the courts of Common Pleas in his county on giving the sheriff ten days notice, together with eight per centum in damages, together with costs and on said judgment execution shall issue accordingly, on which there shall be no replevy, and where any sheriff shall fail to lay before the courts of Common Pleas their lists of delinquents as aforesaid, they shall be charged with the whole amount of taxes as may appear from the commissioners books, and the taxes as laid by the courts unless the sheriff is prevented by sickness. The sheriffs severally shall have for the collection of county taxes



seven per centum, which shall be taken out of the taxes the said several sheriffs stand charged with, and where any sheriff fails to pay any order issued on him by the court after the first day of December, annually, which is to be applied toward erecting public buildings or for any other county or special purpose, the prosecuting attorney of the county shall proceed to recover judg-

What allow-  
and to sheriff  
for collecti-  
&c.  
Sheriff fail-  
ing to pay  
order how  
proceeded a-  
gainst.

( 36 )

ment against said sheriff and securities for the amount of the order or orders together with eight per cent, on giving ten days notice, which in any case shall be served by the Coroner.

§ 25. *And be it further enacted,* That any and every person within, or coming to this territory being the owner or possessor of any species of merchandize, except those excepted by law and wishing to dispose of the same or any part thereof, either by himself or his agent within the territory, or any of the waters within or bounding the same shall pay to the sheriff as county treasurer, of the county in which he or she may wish to dispose of the said merchandise, the sum of twenty dollars for one year, and so in proportion for any shorter time the party applying may require, and take the sheriff's receipt therefor, and upon producing the said receipt to the Clerk of the court of Common Pleas of the county, it shall be the duty of the Clerk to issue a licence, expressing therein the amount paid to the treasurer, and the time the party is permitted to sell, and the Clerk shall keep a book in which he shall record the amount of money and time of issuing the same, for which he shall receive from the party applying, fifty cents; and any person or persons vending merchandise without obtaining a license as aforesaid, shall forfeit and pay the sum of twenty dollars, to be recovered with costs of suits, by an action of debt, before any justice of the peace in the county in the name of the she-

Venders of  
merchandise  
to procure a  
licence, how  
and at what  
sum, &c.

Sheriffs to re-  
ceipt & clk.  
to issue li-  
cense.

Persons ven-  
ding without  
licence fined,  
how much &  
how recover-  
ed.

Justice certify to C.P.

Taxes now due due collected under existing law.

Repealing clause.

riff as treasurer, and it shall be the duty of the magistrate before whom such judgment is entered within one month thereafter to certify to the Clerk of the court of Common Pleas the said judgment and the Clerk shall enter the same, and charge the sheriff with the amount.

§ 26. *Be it further enacted*, That all taxes now due, and all money in any of the county treasuries shall be collected and accounted for under the now existing laws at which time the office of county treasurer shall be null and void, and all laws or parts of laws coming within the purview of this law be and the same are hereby repealed.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 11, 1813.

JOHN GIBSON.

CHAPTER IX.

AN ACT *to revive and amend an act for Incorporating the Roman Catholic Church in Vincennes.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives*, That the act passed and approved the seventeenth day of December, in the year one thousand eight hundred and ten, incorporating the

Former act revived.

Roman Catholic Church in Vincennes, be, and the same is hereby revived and put in force in as full and complete a manner as if the same had not been forfeited.

§ 2. *Be it further enacted*, That the trustees mentioned in the said act shall continue to exercise and perform the duties of trustees as mentioned in said act, until

Former trustees continued until what time.

the second Monday in March next, at which time the members of the said Church may hold an election agreeable to the manner prescribed in the said act; and in case the said election for trustees should not take place on the said second Monday in March, then it shall be the duty of the said trustees, or any one of them, so soon thereafter as may be thought convenient, to advertise for at least ten days, that an election is to be held for trustees to fill the place of the former; and the trustees mentioned in said act shall continue in office until an election shall take place, and each successive sett of trustees shall continue in office until their places are filled by an election, either at the annual or advertised meeting of the members of said Church, and the annual election for trustees shall be held on the first Monday in March, successively.

In case election should not be held trustees to advertise.

Trustees to continue in office until a new election

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 1, 1813.

JOHN GIBSON.

( 39 )

#### CHAPTER X.

AN ACT for fixing the Seats of Justice in all new counties hereafter to be laid off.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That whenever any new county shall be laid off in this territory, five commissioners shall be appointed by the legislature at the time such new county shall be laid off, who at the time of discharging the duties hereinafter enjoined on them, do not reside in such new county, nor hold any real estate therein; and it shall be the duty of the said commissioners, or any three or more of them to convene at such time and place

Legislature to appoint five commissioners.

Duty of commissioners.

Further duty  
of the com-  
missioners.

in the said new county as the legislature shall appoint, and being first duly sworn to discharge the duties assigned them by this act, they shall proceed to fix on the most eligible and convenient place for the permanent Seat of Justice for such new county, taking into view the extent of the county, the quality of the land, and the prospect of future as well as the weight of present population, together with the probability of future divisions, and it shall be the further duty of the said commissioners to receive proposals from any person or persons owning lands in the said county, and offering donations in land for the use of the same, and to fix on such place for the Seat of Justice in such new county, as near as may be to the centre of that tract or district which is likely to remain permanent after future divisions, as may best sub-

( 40 )

Duty of com-  
missioners.

serve the interest of such county; and the said commissioners shall enquire and ascertain whether any land on which they may incline to fix the Seat of Justice can be obtained by donation or by purchase at a reasonable price, sufficient in quantity and suitable in quality and situation for the establishment of a town; and if such quantity of suitable land cannot be obtained by donation, or by purchase, at a reasonable price, then they shall fix on the next most eligible place where such land can be procured as aforesaid; and the said commissioners shall take a bond or bonds of any person or persons proposing to give or sell any such land, payable to the sheriff of such county and conditioned for the conveyance of such tract or tracts of land so given or sold to such person as the court of Common Pleas of such county shall appoint as an agent to receive the same, which bond or bonds the said commissioners shall deliver to the Judges of the court of Common Pleas of such county, together with a plain and correct report of their proceedings, containing a particular description of the land on which they shall have fixed as the Seat of Justice for the said



county, and the land so described shall be considered the permanent Seat of Justice for such county.

§ 2. *And be it further enacted*, That it shall be the duty of the Judges of the court of Common Pleas aforesaid, forthwith, after receiving the report of the commissioners as herein above provided, to appoint some suitable person a resident of such coun-

Court C.P.  
to appoint an  
agent.

( 41 )

ty as an agent, whose duty it shall be, after having given bond with security to be approved of by the said court for the faithful discharge of the duties of his said office, to receive a conveyance or conveyances for any lands which may have been given or sold for the use of the county as above provided, and to proceed to lay off the same into town lots, out lots, streets and alleys according to such plan as the Judges of the court of Common Pleas aforesaid may direct, and to proceed from time to time to sell the said lots or so many of them as the said court may deem proper and necessary, and on such terms as the said court may consider most advantageous to the interest of the county, and to collect all monies arising from the sale of the said lots, and pay the same into the county treasury, and also to make conveyances to the purchasers of such lots when and as often as necessary; and the money arising from the sale of such lots as aforesaid, shall be a fund in the treasury of such county out of which the commissioners appointed by virtue of this act shall be first compensated for their services, and then the price of any land which may have been purchased for the use of the county shall be paid, and the balance shall be applied so far as necessary in defraying the expences of erecting the necessary public buildings for the use of the county, and if any monies still remain after the expences of such buildings discharged, such balance may be applied as any other monies in the treasury.

Duty of the  
agent,

Judges of C.  
P. to direct  
plan for a  
town, and a-  
gent to sell  
lots, collect  
money make  
conveyances  
&c.

Money aris-  
ing from sale  
how appro-  
priated, &c.

§ 3. *And be it further enacted*, That any



( 42 )

Commissioners to give certificates to persons of whom they buy land.

person or persons of whom any lands may be purchased for the use of such county as above provided, shall, at the time of giving bond or bonds for the conveyance of the same, receive of the commissioners aforesaid a certificate or certificates of the quantity and price of the same, which certificate or certificates shall entitle him, her or them to receive the amount of the price of the said land out of the first monies remaining in the treasury of such county, after compensating the aforesaid commissioners according to the provisions of this act, any other existing claim against the county notwithstanding.

Allowance to the commissioners.

§ 4. *And be it further enacted*, That the commissioners aforesaid shall be entitled to receive each three dollars for every day they may be necessarily employed in performing the duties enjoined on them by this act, and in travelling to and from the place of meeting; and the agent to be appointed pursuant to this act shall be entitled to receive for his services such compensation as the Judges of the court of Common Pleas may think just and reasonable.

Agent how to be paid.

Vacancies in the office of agent, or commissioner how filled

§ 5. *And be it further enacted*, That it shall be the duty of the court of Common Pleas of such county in case of the non-attendance of a sufficient number of commissioners to transact the said business as provided by this act, to appoint a commissioner or commissioners agreeably to the provisions of the first section of this act to make up the number, and also in case of the death, removal or resignation of the agent appointed as aforesaid, to appoint from time to time a

( 43 )

Court C.P. may hold special sessions,

successor or successors, when, and as often as it may be necessary, who shall give bond as herein above provided; and it shall be the further duty of the said court when and as often as it may be necessary to carry this law into

complete effect to hold special sessions of the said court, and the said judges, commissioners and agent, and their and each of their successors are hereby vested with all further powers necessary to carry this law into full and complete operation, according to the true intent and meaning thereof.

JAMES DILL,

*Speaker of the House of Representatives.*

JAs. BEGGS,

*President of the Legislative Council.*

APPROVED—March 2, 1813.

JOHN GIBSON.

## CHAPTER XI.

AN ACT *for the relief of the several Sheriffs and Collectors of County and Territorial Monies.*

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the sheriffs and collectors of the county and territorial monies, within this territory shall have further time until the first day of May next, to finish and complete their several collections of county and terri-

Sheriffs and collectors allowed further time to settle up.

( 44 )

torial monies, and to pay over the same to the several county treasurers, and to the territorial treasurer, all monies due by them for the year one thousand eight hundred and twelve, any law to the contrary notwithstanding: *Provided*, That the heirs & securities or legal representatives of Spier Spencer, deceased, late sheriff of Harrison county shall have like indulgence, and shall also have the said further time to the said first day of May next to collect and pay over all county and territorial monies due by him as collector of the said county of Harrison for all years previous to the year eighteen hun-

Proviso.



( 46 )

Account of Warrants issued by the Auditor of Public Accounts of the Indiana Territory, commencing  
 the day of the month of \_\_\_\_\_ A.D. one thousand eight hundred and \_\_\_\_\_  
 ic.

Grand Total.	Cents.
	Dollars
Odd.	Dollars.
	No.
Twenty's.	Dollars.
	No.
Ten's.	Dollars.
	No.
Five's.	Dollars.
	No.
One's.	Dollars.
	No.
No.	
Letter.	
Date.	
For what services	
To whom issued.	

( 47 )

a certified copy of which he shall lay before the legislature during the first week of the session.

Auditor to have blanks printed audit for same &c.

§ 3. *Be it further enacted*, That the Auditor be, and he is hereby authorised to have printed at the expence of the territory, such number of blanks as may from time to time be necessary for his office, upon reasonable terms; the expense whereof shall be Audited, and drawn for by him; and he shall also audit and draw for the expences incidental to obtaining the annual lists from the different registers of the several land offices, as may be authorised by law.

How auditor to audit accounts.

§ 4. *Be it further enacted*, That the Auditor shall audit accounts in no other way than as above prescribed, and shall in the margin of the bill cause some figure at least one inch in breadth, through which he shall cut the bill out of a check book; which book the Auditor shall, at least once in every month, transmit to the territorial Treasurer for the purpose of comparing the bills with, which may be presented to the Treasurer for payment, and said book shall be left with the treasurer.

Transmit his check book to treasurer.

Penalty on officers offering to take bills at a discount.

§ 5. *Be it further enacted*, That if any collector or treasurer, either of the territory or county monies, or any other officer whose duty it shall be at the time to have the possession or care of any of the territorial or county monies, shall directly or indirectly, either by himself, or through the means or agency of any other person, offer to take or receive any territorial or county bills or drafts for less than the amount of the same

( 48 )

How to be recovered.

as expressed on the face thereof, he shall upon conviction thereof by indictment be fined in any sum not exceeding one hundred dollars, nor less than fifty; and it shall be the duty of the Judges of the several courts, to give this section in charge to the grand jury.



§ 6. *And be it further enacted*, That the first, second and third sections of the act to which this is an amendment, be, and the same are hereby repealed. This act to take effect and be in force from and after the passing thereof.

Parts of former law repealed.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 2, 1813.

JOHN GIBSON.

### CHAPTER XIII.

AN ACT *for the relief of the heirs of Henry Vander Burgh, deceased.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives*, That the Clerk of the court of Common Pleas of Knox county be, and he is hereby authorised to correct the assessment on the collectors duplicate of the land of the heirs of Henry Vander Burgh, deceased, and the collector shall only collect the amount of tax for the

Clerk. to correct assessment list.

( 49 )

year one thousand eight hundred and twelve agreeably to the corrected duplicate as made by the authority hereof; and the said heirs, or their agents are hereby authorised to point out to the Clerk the mistake in the assessment under the same obligations that lists of land are given in to the assessor; and it is hereby made the duty of the said Clerk to deliver a copy of the corrected list of assessment of said land to the Auditor; and it shall be his duty to enter said correction on any and every duplicate which he may hereafter deliver to the

Heirs or agent to point out mistakes how, &c.

collector for the remainder of the period for which the said lands was assessed.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 2, 1813.

JOHN GIBSON.

CHAPTER XIV.

AN ACT *allowing compensation to the Members and Officers of both Houses of the Legislature at the present Session.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That each and every member of the Legislative Council and House of Represen-*

( 50 )

Allowance  
members of  
L.C. & H.  
of R.

tatives, shall be entitled to, and receive out of the territorial treasury, upon the warrant or warrants of the Auditor, as in other cases, for each and every days' attendance on the legislature at the present session, the sum of two dollars and fifty cents per day, and shall moreover be allowed the sum of ten cents per mile for travelling to and from the town of Vincennes by the most usual road.

Allowance  
clerks and  
door keeper.

§ 2. *Be it further enacted, That the Clerk of the Legislative Council, and the Clerk of the House of Representatives, shall, in like manner receive for their services respectively the sum of four dollars per day; and the Door-Keeper to both houses shall receive for his services the sum of one dollar and fifty cents per day.*

Specific ap-  
propriation.

§ 3. *Be it further enacted, That there shall be allowed to Benjamin Adams, the sum of four dollars and fifty for his services during the time he acted as Door-Keeper*

to the House of Representatives at the commencement of the present session; and to William Hendricks, the sum of ten dollars for his services in furnishing Elihu Stout with a copy of the Journals of the House of Representatives of the present session.

§ 4. *And be it further enacted*, That the compensation which shall or may be due to the Members and Clerk of the Legislative Council, shall be certified by the President thereof; and that which shall & may be due to the members and clerk of the house of representatives, and the Door-Keeper of both houses shall be certified by the Speaker of the House of Representatives, which certi-

Accounts by whom certified, &c.

( 51 )

ficate or certificates shall be to the Auditor sufficient evidence of the claim, and he shall issue warrants thereupon to the several members and officers aforesaid, payable at the territorial treasury as in other cases.

JAMES DILL,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

APPROVED—March 5, 1813.

JOHN GIBSON.

## CHAPTER XV.

AN ACT to remove the Seat of Government from the town of Vincennes to the town of Corydon, in the county of Harrison.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That from and after the first day of May next, the seat of government of the Indiana territory shall be, and the same is hereby fixed and established in the town of Corydon, in the county of Harrison,

Seat of government removed & to what place.

Ch. XV, l. 3. The enrolled act omits the word "after."—ED.

Officers of  
the govern-  
ment to re-  
move, &c.

and the said seat of government shall be and remain in the said town of Corydon, until altered by law; and it shall be the duty of all officers and all other persons in any way concerned in administering the government of the said territory, and all persons whose duty

( 52 )

By what  
time to be at  
Corydon.

it is to be at the seat of government of the said territory, or whose functions are or ought to be exercised at the said seat of government, to remove the books, records, papers and proceedings of whatsoever nature or kind they may be, in any wise relating to their offices to the said town of Corydon, in the said county of Harrison, on or before the said first day of May next, and it shall be the duty of all the said officers, and all persons whose duty it is to be and attend at the seat of government, to be and attend at the said town of Corydon, in the county of Harrison, from and after the said first day of May next, then and there to attend to, perform, and do whatsoever to their said offices doth belong or in any wise appertain; and all persons in any wise concerned are hereby required to govern themselves accordingly.

where judg-  
es to hold G.  
court, and  
when, &c.

§ 2. *And be it further enacted,* That it shall be the duty of the Judges of the General court of the said territory, and they are hereby authorised and required to hold the first term of the said court after the passage of this act at the town of Vincennes, in the county of Knox as heretofore, on the first Tuesday of April next, and the second term of the said General court, after the passage of this act shall be held, and the said Judges are hereby authorised and required to hold the same in the said town of Corydon, in the said county of Harrison, and the said Judges shall continue to hold the said court on the several days which are or may be fixed by

( 53 )

law for holding the said courts, and the said town of Corydon, in the said county of Harrison, shall be, and the same is hereby declared to be the place of holding the said General court until altered by law; and all actions, suits, pleas, complaints and causes, now depending in the said court, which by the existing laws are required to be tried and decided in the said General court, shall be, and the same are hereby removed from and after the said first day of May next, to the said town of Corydon, in as full, complete and ample a manner as if the said actions, suits, pleas, complaints and causes had been originally brought in the said county of Harrison, and all actions, suits, pleas, complaints and causes had been originally brought in the said county of Harrison; and all actions, suits, pleas, complaints and causes which are now depending in the said court, and which by the existing laws may be tried in the Circuit court, shall be tried in the Circuit court of the county of Knox, which shall be held in the said county, when, and at such times as may or shall be regulated and established by law; and it shall be the duty of the Clerk of the said General court to remove, or cause to be removed all records, books, papers and proceedings of whatsoever kind they may be, in any wise relating to any of the actions, suits, pleas, complaints or causes by this act removed to the said town of Corydon on or before the said first day of May next; and it shall be the further duty of the said Clerk, from and after the said first day of May next, to be and attend at the town

In what cases suits removed to Corydon, &c

In what cases tried in circuit court

Clk. of General court remove to Corydon by when, &c.

( 54 )

of Corydon aforesaid, then and there to do, attend to, and perform whatsoever to his said office may or doth belong, or in any wise appertain.

§ 3. *And be it further enacted*, That if any officer or other person in any wise concerned in administering the



Persons refusing to remove fined,

government, or the Clerk of the General court, or any other person whose duty it is made by the provisions of this act to remove, or cause to be removed any books, papers, records or other documents or proceedings to the said town of Corydon, or if any person or persons, officer or officers, who are by this act required to be and attend at the said town of Corydon, shall neglect or refuse to do and perform the duties required of them by this act, the person or persons so offending shall each and every of them be fined in a sum not less than one hundred, nor more than twelve hundred dollars, to be recovered by indictment before any court of record for the use of the territory.

How much, and how recovered.

Expence of removing public papers and records how paid.

Govr. may order guard for safe conveyance of public records.

§ 4. *And be it further enacted*, That any expense necessarily incurred by any officer in removing the books, papers, records and proceedings pertaining to his said office from Vincennes to the said town of Corydon, agreeably to the requisitions of this act shall be paid out of the territorial treasury; and the governor of this territory is hereby authorised and empowered to order out any number of militia that he may deem necessary for the more safe conveyance of any books, papers, or other thing by this act

( 55 )

made necessary to be conveyed to the said town of Corydon.

JAMES DILL,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

APPROVED—March 11, 1813.

JOHN GIBSON.

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## CHAPTER XVI.

A JOINT RESOLUTION *respecting residence of the Governor and Secretary.*

RESOLVED *by the Legislative Council and House of Representatives*, That nothing in any law, usage or custom shall be so construed as to effect the residence of the Governor and Secretary of the Indiana territory, provided they reside in said territory, any law to the contrary notwithstanding.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 12, 1813.

JOHN GIBSON.

( 56 )

## CHAPTER XVII.

AN ACT *for the relief of the several Listers of Personal Property in the Indiana Territory for the year, one thousand eight hundred and twelve.*

§ 1, *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the several courts of Common Pleas of this territory be, and they are hereby authorised and required to make to the several persons who listed property within the several counties in eighteen hundred and twelve, subject to taxation for county purposes such allowance or allowances as the said courts shall deem just and reasonable.—This act to be in force from the passage thereof.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 5, 1813.

JOHN GIBSON.

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CHAPTER XVIII.

A BILL for the relief of Isaac Montgomery and Robert Anderson.

WHEREAS it has been represented to the Legislature that Isaac Montgomery and Robert Anderson, of Knox county, were

( 57 )

Proviso.

in obedience to an order of the court of Common Pleas of said county, necessarily employed eleven days in viewing a road from Hazelton's ferry on White river, to Shawneetown, and that the said Isaac Montgomery and Robert Anderson, as yet have received no compensation for the same—therefore,

Court C.P.  
receive evi-  
dence, make  
allowance,  
how paid &c.

BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the court of Common Pleas of the county of Knox shall be, and they are hereby authorised and required to receive evidence of the said service being thus performed, and the said court on receiving satisfactory evidence of the above mentioned service, or any part thereof being performed as aforesaid, and that no compensation has been made for the same, shall allow to the said Isaac Montgomery and Robert Anderson, each, two dollars per day for each and every day they have been so necessarily employed, and the said allowance so made shall be paid to the said Isaac Montgomery and Robert Anderson, out of the county funds of the said county of Knox, in the same manner that other county claims are.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 5, 1813.

JOHN GIBSON.

( 58 )

CHAPTER XIX.

AN ACT *regulating the Inspection of Flour, Beef and Pork.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the courts of Common Pleas of the several counties in this territory, shall at their first term after the first day of May next, appoint three suitable persons as inspectors in each county, of Flour, Beef and Pork; and that from and after the passing of this act, no owner or owners, or agents of Flour, Beef and Pork put up in barrels as hereinafter mentioned, shall offer the same for sale until they shall have been inspected in the manner herein after directed, under the penalty of fifteen dollars for every such offence, to be recovered in any court having cognizance thereof, one half to the use of the person prosecuting for the same, and the other half to be paid into the treasury of the territory.

Courts C.P. to appoint inspectors.

Penalty for selling without inspection.

How recovered.

§ 2. *And be it further enacted,* That the Inspectors who shall be appointed in pursuance of this act, shall hold their appointments during good behaviour, and in case of a vacancy the courts aforesaid shall have power to fill the same; and the said inspectors before they enter upon the execution of their respective offices shall take the following oath or affirmation before some justice of the peace, a certificate of which they and each of them shall file in the Clerks office of the courts aforesaid:

Inspectors appointed during good behaviour.

To take an oath.

( 59 )

“I, A B, do swear, that I will faithfully and impartially, according to the best of my skill and judgment, perform the duty of inspector of Flour, Beef and Pork, according to the laws in force relative thereto.”

Form of the oath.

§ 3. *And be it further enacted,* That the owner or owners or agents of Flour, Beef and Pork intended for sale in any county in this territory, are hereby required

Owners of flour, &c. to give notice to inspectors

Fees to inspectors.

Penalty for asking higher fees, how recovered & how applied.

Proviso.

to give notice to the said Inspectors that the same be inspected; and for every such inspection he or they shall be entitled to receive four cents for every barrel of Flour, and ten cents for each barrel of Beef and Pork, and the said Inspectors shall not be entitled to receive any more than at the rates aforesaid, under the penalty of fifty dollars for every such offence, to be recovered in any court having cognizance thereof, one half to the use of the person prosecuting for the same, and the other half to be paid into the treasury of this territory: *Provided nevertheless*, That nothing herein contained shall be so construed as to prevent the sale of any Flour [manufactured in the territory] which may be purchased for family use, and any Flour, Beef or Pork put up in barrels as herein after mentioned, provided they have been inspected in any state or territory from whence they came.

What shall be the weight of flour, &c. and how to be branded.

§ 4. *And be it further enacted*, That each barrel of flour shall contain one hundred and ninety six pounds of flour, avoirdupois weight, and if intended for first quality shall be branded by the Inspectors "superfine;" and on each barrel intended for the second

( 60 )

Penalty for attempting a deception.

quality shall be branded "fine;" and on each barrel intended for the third quality, shall be branded "midlings;" and in addition to the brand aforesaid, each barrel shall be branded "Indiana territory;" and that for the inspection of flour, the said Inspectors shall provide themselves with a three quarters of an inch barrel auger, with which each barrel of flour shall be bored into so as to satisfy themselves of the quality of the flour; and if any flour shall be found on examination, to contain a mixture of Indian meal, or any other mixture, such person offering the same, shall forfeit and pay the sum of four dollars for every such barrel so mixed, and the flour shall be liable for the payment thereof



§ 5. *And be it further enacted,* That each barrel of beef and pork inspected by the Inspectors aforesaid, shall contain two hundred pounds avoirdupois weight; and the best quality of beef shall be denominated "mess beef," and shall be branded "Indiana territory mess beef;" the second quality shall be denominated 'prime beef,' and shall be branded "Indiana territory prime beef;" and that the best quality of pork shall be denominated 'mess pork,' and shall be branded "Indiana territory mess pork;" and that the second quality shall be denominated 'prime pork' and shall be branded "Indiana territory prime pork;" and where any such beef or pork shall be found to be tainted, spoiled or unfit for market, the same shall be condemned and destroyed by the

Weight of  
beef & pork  
how branded  
& marked  
&c.

If tainted  
how proceed

H

( 61 )

order, and under the observance of the Inspectors.

§ 6. *And be it further enacted,* That if any person or persons shall alter or erase any brand or mark of said Inspectors, so placed on any barrel of flour, pork or beef, every person so offending shall forfeit and pay the sum of fifty dollars for every such offence, to be recovered in any court having cognizance thereof, one half to the use of the person prosecuting for the same, and the other half to be paid into the treasury of this territory.

Persens alt-  
ering or era-  
sing marks  
fined, how  
much, how  
recovered &  
how applied.

§ 7. *Be it further enacted,* That where any person erects a ware-house within the territory, or who may have already erected a ware-house for the purpose of storing flour, beef or pork, he shall and may receive twelve and a half cents per barrel for the first month or a shorter time for the storage thereof, and no more, and the additional sum of six and a fourth cents per barrel, for every month after the first month that the same may

Price of sto-  
rage.

remain stored. This act shall take effect from and after the passage hereof.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 5, 1813.

JOHN GIBSON.

( 62 )

CHAPTER XX.

AN ACT *regulating the duties of Sheriffs in certain cases.*

Sheriffs selling land & not making deed.

Successor to make deed.

How sheriffs to return execution.

§ 1. BE *it enacted by the Legislative Council and House of Representatives,* That when any sheriff shall have sold land on execution previous to his death, removal from office or resignation, and the purchase money for the same shall have been paid, without having made a deed for the same, it shall be the duty of the successor of such sheriff to make and execute to the purchaser or purchasers of such land, his or their heirs or assigns, a deed or deeds for the same, which deed or deeds so made shall be as valid and good in law, as if the same had been executed by the sheriff who sold the said land—and when any sheriff shall sell any land by virtue of any execution or executions to him directed, he shall return on the back of such execution or executions the quantity of land sold, the place where the lands lie, the amount of purchase money, and the name of the person who purchased. This act to take effect from and after its passage.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 5, 1813.

JOHN GIBSON.

( 63 )

## CHAPTER XXI.

AN ACT *in amendment to the several acts concerning Public Roads and Highways.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the Clerks of the court of Common Pleas of the counties respectively in this territory, shall at the courts aforesaid, holden in each county after the first day of May next, lay a list of the names of the overseers of roads, expressing the time of their appointments, designating the road they have the care of, and the time of their appointments expiring, before the grand jury so soon as they are sworn and charged, and it is hereby made the duty of the grand jury to examine into the situation of the roads minutely so that the overseers may be punished as the laws relating to roads direct.

Clerks lay before court of C.P. list of overseers of roads, &c.

Grand jury to examine situation of roads.

§ 2. *Be it further enacted,* That the judges of the courts of Common Pleas shall have power at any court upon the establishment of a road to appoint an overseer, and allot to him a sufficient number of hands. This act to take effect from and after its passage.

Judges of C. P. at any time appoint overseers.

JAMES DILL,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

APPROVED—March 6, 1813.

JOHN GIBSON.

( 64 )

## CHAPTER XXII.

AN ACT *supplementary to an act entitled "An act for the relief of James Hamilton, Sheriff of Dearborn county, and for other purposes."*

§ 1. *BE it enacted by the Legislative Council and*

Former act  
repealed.

*House of Representatives, and it is hereby enacted by the authority of the same,* That the act entitled "An act for the relief of James Hamilton, sheriff of Dearborn county," approved seventeenth of December, one thousand eight hundred and eleven, be, and the same is hereby repealed, and be as if the same had never passed; nor shall the said James Hamilton have or receive any benefit or advantage from the above last mentioned act, any thing in the said act to the contrary notwithstanding; and that the Auditor of the Indiana territory be, and he is hereby enjoined and required to settle with the aforesaid James Hamilton on the following principles, to wit: That the nine hundred and ninety-nine dollars and twenty cents heretofore paid by the said James Hamilton into the territorial treasury in the year one thousand eight hundred and eleven, for which he obtained a quietus bearing date sixth September, in the aforesaid year, from the Auditor of Public Accounts, shall go out of, and be considered as paid by the said Hamilton in part of a judgment heretofore obtained against the said Hamilton and his security, in favor of the territory at the General court held in April eighteen hundred and eleven, for taxes due the territory for the years one thousand eight

Auditor to  
settle and  
how, &c.

( 65 )

Manner and  
terms of set-  
tlement con-  
tinued.

hundred and six, one thousand eight hundred and seven, one thousand eight hundred and eight, one thousand eight hundred and nine, and one thousand eight hundred and ten, and that on the payment of three hundred dollars by the said James Hamilton into the territorial treasury on or before the first day of August next, the aforesaid judgment shall be considered, deemed and taken to be, and shall be absolutely and fully discharged, and all arrearages due by the said Hamilton for taxes or arrearages of taxes due by him as collector of Dearborn county for the years one thousand eight hundred and six, one thousand eight hundred and seventeen, one thousand eight hundred & eight, one thousand eight hundred and

nine, and one thousand eight hundred and ten, with the payment of the said three hundred dollars, on or before the first day of August next with the said nine hundred and ninety nine dollars and twenty cents heretofore paid in by the said Hamilton, shall be an absolute an complete discharge from all arrearages of taxes for the aforesaid years, and the said Auditor shall stay execution on the said judgment till after the said first day of August next, and shall on issuing the same thereafter, endorse on the back thereof, that it may be discharged by payment of three hundred dollars, with costs of collection, any law to the contrary in any wise notwithstanding.

§ 2. *And be it further enacted,* That the said James Hamilton, sheriff of Dearborn county shall have full power to collect any

( 66 )

arrearages of taxes due the territory for the years one thousand eight hundred and six, one thousand eight hundred and seven, one thousand eight hundred and eight, one thousand eight hundred and nine and one thousand eight hundred and ten, from any person within the bounds of old Dearborn county, agreeably to the then existing laws, and the said taxes shall be for the benefit of the said Hamilton; but nothing herein contained shall be so construed as to authorise the said James Hamilton to collect any taxes from any person or persons for any of those years who cannot produce a receipt, provided they will make oath that they have paid the taxes for any of those years above recited, in which case the taxes for the balance of the years shall be collected and no more.

May collect  
tax yet due  
and how.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 6, 1813.

JOHN GIBSON.



( 67 )

## CHAPTER XXIII.

AN ACT for the formation of two new counties out of the county of Knox.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That from any after the passage hereof all that part of Knox county which is included in the following boundaries shall form and constitute two new counties, that is to say: beginning at the mouth of the Wabash, thence up the same with the meanders thereof to the mouth of White river, thence up White river with the meanders thereof to the forks of White river, thence up the East fork of White river to where the line between sections number twenty and twenty nine, in township number one, north, of range number four, west, strikes the same, thence with said line to the line of Harrison county, thence with the said line dividing the counties of Knox and Harrison to the Ohio river, thence down to the Ohio river to the beginning.

What part  
of Knox to  
form the  
new counties

§ 2. *Be it further enacted,* That the tract of country included within the aforesaid boundaries be, and the same is hereby divided into two separate and distinct counties by a line beginning on the Wabash river and known and designated by the name of Rector's base line, and with said line East until it intersects the line of Harrison county, and that from and after the first day of April, one thousand eight hundred and thirteen, the tract of country falling within the southern

What part  
to form  
Warrick  
county.

( 68 )

division thereof shall be known and designated by the name and style of the county of Warrick. And the northern division thereof shall be known and designated by the name and style of the county of Gibson— That the said counties shall severally enjoy all the rights, privileges and jurisdictions which to separate counties of this

What part  
to form Gib-  
son county.

territory do or may properly appertain and belong: *Provided always*, That all suits, pleas, complaints, actions and proceedings which may be before the first day of April, one thousand eight hundred and thirteen, have been commenced, instituted and depending within the present county of Knox, shall be prosecuted to final judgment and effect in the same manner as if this act had never been passed: *And provided also*, That the territorial and county levies which are now due within the bounds of the said new counties shall be collected and paid in the same manner and by the same officers as they would have been if the creation of the said new counties had not have taken place. Proviso.

§ 3. *Be it further enacted*, That so soon as the place for holding the courts in the said county of Warrick be established, the Judges of the courts of Common Pleas in the said county shall within six months thereafter, proceed to erect the necessary public buildings for the same in such place, in the same manner as is required by law in respect to other counties, and after the public buildings are so erected the courts of said county shall adjourn to the said place at their Where the court shall be held in Warrick county, &c.

## I

( 69 )

next term after the same shall have been completed, which shall be, and the same is hereby declared the seat of justice for the county of Warrick.

§ 4. *Be it further enacted*, That so soon as the place for holding the courts for the said county of Gibson be established, the Judges of the courts of Common Pleas in the said county, shall, within six months thereafter, proceed to erect the necessary public buildings for the same, in such place, in the same manner as is required by law in respect to other counties, and after the public buildings are so erected, the courts of the said county shall adjourn to the said place at their next term after the same shall have been completed, which shall be, and Where the court for Gibson county shall be held, &c.

the same is hereby declared to be the seat of justice for the county of Gibson.

Present  
place of holding  
courts  
in the new  
counties.

Proviso.

§ 5. *Be it further enacted*, That until the public buildings in the said new counties be completed, the courts of Common Pleas for the county of Warrick shall be held at the house of Baily Anderson, in said county—and the courts of Common Pleas for the county of Gibson, shall be held at the house of William Harrington, in said county:—*Provided also*, That all officers, both civil and military, in the bounds of the said new counties shall continue to exercise the functions of their respective offices as officers of the said new counties until some other legal organization of officers shall take place, in

( 70 )

the same manner as if the formation of the said new counties had not have taken place.

JAMES DILL,

*Speaker of the House of Representatives.*

JAS BEGGS,

*President of the Legislative Council.*

APPROVED—March 9, 1813.

JOHN GIBSON.

#### CHAPTER XXIV.

AN ACT *authorising the courts of Common Pleas of Dearborn county to Levy an additional Tax in the year one thousand eight hundred and thirteen, for certain purposes.*

Proviso.

WHEREAS it has been represented to this General Assembly that the county funds of Dearborn county, have heretofore been inadequate to the several purposes for which taxes are usually laid, by which means several just claims for public buildings, and other necessary expenditures remain unsatisfied, for remedy whereof,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the*

*authority of the same*, That the court of Common Pleas, shall or may, levy or assess, on the following objects or articles, such taxes as are or may be necessary for the purpose of enabling the said courts to pay and satisfy all claims a-

Court C.P. may levy additional tax, on what, &c.

( 71 )

gainst the said county heretofore unpaid, and now outstanding against the same, to wit: on all free male white inhabitants of the age of twenty-one years and upwards and residing within the said county on the first day of May next, a sum not exceeding 12½ cents each; on town lots, a sum not exceeding one half per cent on the amount of their appraised value; and on lands, a sum not exceeding twenty-five cents on every hundred acres; which taxes the said court of Common Pleas are hereby authorised and empowered to lay, levy or assess, or as much, or as many of the said taxes as they may find necessary for the purpose of settling and paying up all old or unsettled claims against the said county as aforesaid, and may be levied and assessed over and above such tax or taxes as are or may be necessary to pay the expences of the current year; and the said taxes shall be laid, levied, collected and paid over on the orders of the said court as all other county taxes are or may be; and the said court shall have and possess all the powers necessary to carry this act into effect.— This act to take effect from its passage, and to be in force one year and no longer.

How collected and paid

JAMES DILL,  
*Speaker of the House of Representatives.*

JAs. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 9, 1813.

JOHN GIBSON.

## CHAPTER XXV.

AN ACT for correcting the Duplicate or Assessment of the Lands within this Territory, and for other purposes.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the several collectors of the territorial tax, and that part of the county tax which is assessed upon land, may at the next court of Common Pleas after the time fixed by law for paying over the said taxes to the county and territorial treasurers, exhibit to said court a list of such lands as have been twice or more times assessed on the same duplicate, also such lands as have been forfeited to the United States, and upon the proper proof thereof being made, the court shall make a list thereof, with the amount of the tax due thereon by each person, and have the same certified by the Clerk, and upon the said list being produced to the Auditor, he shall give the collector of the territorial tax credit for the amount, and the said court shall give the collector of the county tax on land, credit for the amount due the county, as shall appear from the said certified list, and the same proceedings shall be had to correct the duplicates for the years one thousand eight hundred and eleven, and one thousand eight hundred and twelve as above prescribed, at the first court of Common Pleas after the first day of May next, in the several counties in this territory after the passage of this act, and upon the several collectors pro-

How collectors to proceed to get a credit for delinquencies

duty of court C.P. &c.

ducing the certified list of delinquencies to the Auditor, he shall give them credit as above.

§ 2. *Be it further enacted*, That whenever a lister of lands or personal property neglected or omitted listing

P. (73), l. 1. In the enrolled act the word "delinquents" instead of "delinquencies" appears between the words "of" and "to."—Ed.



any lands or personal property within this territory, that it shall be lawful for the collectors of county and territorial monies, and it is hereby made their duty to call on such person or persons whose list may have been so omitted to be taken by the lister as may be found within their respective counties, and collect the taxes which may be due from such person or persons, in proportion, and at the rates assessed on all others, according to the best information they can obtain.

When lands not listed how collector to proceed.

§ 3. *Be it further enacted*, That the several collectors of county and territorial monies shall return on oath a list of the persons names from whom he may have collected any monies as aforesaid, specifying in said list the amount of taxable property owned by each, as also the amount of tax collected from each, and pay over for county purposes as in other cases, all such monies as may properly belong to the same, and also pay into the territorial treasury such part of said money as he may have collected for territorial purposes.

Collectors on oath return list of persons not assessed & monies collect'd

§ 4. *Be it further enacted*, That the treasurer shall report to the Legislature the amount of the monies so received, at the time he makes his other report.

Duty of auditor.

§ 5. *Be it further enacted*, That if any collector shall fail to comply with the requi-

( 74 )

sitions of this act, he shall for each offence forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, in the name of the Auditor or County Treasurer, before any court having competent jurisdiction thereof.

Penalty and how recovered.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 9, 1813.

JOHN GIBSON.

## CHAPTER XXVI.

AN ACT for the relief of John Hunter, and the heirs of Jacob Warrick, deceased.

Proviso.

WHEREAS it has been represented to this legislature by the executors of Jacob Warrick, deceased, that the said Jacob Warrick did in his life time bargain and sell unto a certain John Hunter, twenty-five acres of land, a part of the south east quarter of section number two, of township three, in range twelve, south of the second principal meridian, and that the said John Hunter did fully and completely pay to the said Jacob Warrick, the purchase money by them agreed upon for the said twenty-five acres of land, agreeable to the contract then existing between the said parties, and that through

( 75 )

neglect, or in consequence of the confidence which the said parties placed in each other, no deed of conveyance was ever made by the said Jacob Warrick, to the said John Hunter, for the said twenty-five acres of land nor is there existing any written evidence of the said purchase, therefore,

Commissioners appointed their duty, &c.

BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the court of Common Pleas of the county of Knox, shall be, & they are hereby appointed commissioners to receive evidence of the said purchase and payment, and on receiving such evidence as they may conceive full proof of the said purchase being duly made, and of the purchase money being fully paid by the said John Hunter to the said Jacob Warrick, the said court are hereby authorised and required to transfer by deed of conveyance, all the estate, claim, right and title of the said Jacob Warrick, his heirs, &c of, in and to the said twenty-five acres of land above described, unto the said John Hunter, his heirs and assigns, as fully, completely

and entirely, as he the said Jacob Warrick could have done in his proper person, and such deed of conveyance so made, shall completely vest the said John Hunter, his heirs and assigns, with all the estate, claim, right and title of the said Jacob Warrick, his heirs, &c of, in and to the said twenty-five acres of land above

( 76 )

described, and be a perpetual and complete bar against the same.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 9, 1813.

JOHN GIBSON.

## CHAPTER XXVII.

AN ACT *to amend the act to prevent Trespassing by Cutting of Timber.*

WHEREAS it is difficult under the present existing laws to procure evidence against persons trespassing by cutting of timber; and whereas, this Legislature have thought proper to make it a penal offence, and the fine go for the use of the county, where the owner of the land cannot recover the fine under the act to which this is an amendment, therefore, Proviso.

§ 1. BE *it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the offence mentioned in the act to which this is an amendment, of trespassing by cutting of timber, may be prosecuted by indictment, and the fines which shall be assessed by the court upon conviction, How punished.

( 77 )

shall be regulated by the several fines mentioned in the said act, and when said fines are collected shall be paid into the county treasury.

JAMES DILL,  
*Speaker of the House of Representatives.*

JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 8, 1813.

JOHN GIBSON.

## CHAPTER XXVIII.

AN ACT *regulating Divorces within the Indiana Territory.*

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the General court and Circuit courts within the Indiana territory, shall be, and are hereby invested with power and jurisdiction to decree divorces in the manner hereinafter mentioned in the following cases, that is to say: in favor of a husband where his wife shall have voluntarily left his bed and board, with the intention of abandonment for the space of three years, or where she shall have abandoned him and lived in adultery with another man, or men, or shall have been condemned for a felony in any court of record within the United States

General or  
Circuit court  
decree divor-  
ces, and for  
what causes.

( 78 )

or territories thereof. In favor of a wife where her husband shall have left her with the intention of abandonment for the space of two years, or where he shall have abandoned her and lived in adultery with another woman or other women, or shall have been condemned for a felony in any court of record within the United States or territories thereof, or where his treatment to her is

so cruel, barbarous and inhuman as actually to endanger her life.

§ 2. *Be it further enacted*, That in the cases before mentioned the party desirous of obtaining a divorce may apply to the General court, or Circuit court of that county in which he or she resides, by a libel, or petition, stating the ground of the application, on which such proceeding shall be had as are usual in other writs in law, except so far as they may be directed to be deviated from by this act, but if any of the aforesaid causes of divorce apply to the complainant, he or she shall be subject to a dismissal of said suit.

Where parties may apply and what proceedings.

§ 3. *Be it further enacted*, That if the defendant resides not within this territory, and the court are satisfied by disinterested affidavit of his or her absence, they may proceed to order publication as against other absentees, except that the order shall succinctly state the object of the libel or petition.

Deft. not a resident how court to proceed.

§ 4. *Be it further enacted*, That upon the appearance of the defendant, he or she in answer, without oath, may by general denial controvert the allegations of the libel or petition, and may also alledge any of the afore-

Deft. appearing how to proceed.

( 79 )

said causes of divorce to apply to the complainant, or if the defendant fail to appear, the suit shall be set down for trial, but the allegations shall not be considered as confessed nor proof dispensed with.

§ 5. *Be it further enacted*, That it shall be the duty of the several attorneys prosecuting for the territory in the General court or Circuit courts respectively, to oppose the granting of any divorce not warranted by this act.

Duty of prosecuting attorney.

§ 6. *Be it further enacted*, That if there shall on hearing the allegations appear to be just cause for divorce within the provisions of this act, according to the sound construction thereof, the court shall pronounce a decree, declaring the complainant divorced from his or her husband or wife; but such decree shall not operate so as to

Duty of the court on hearing allegations, &c.



release the offending party, who shall nevertheless remain subject to all the pains and penalties which the law prescribes against a marriage whilst a former husband or wife is living.

Make division of estate &c.

§ 7. *Be it further enacted*, That the court pronouncing the decree of divorce shall regulate and order the division of the estate, real and personal, in such way as to them shall seem just and right, having due regard to each party, and the children, if any:—*Provided however*, That nothing herein contained shall be construed to authorise the court to compel either of the parties to divest himself or herself of the title to the real property.

§ 8. *Be it further enacted*, That pending a suit for a divorce, the court may make

( 80 )

Duty of court pending the trial.

such temporary orders relative to the property and parties as they shall deem equitable. This act shall be in force from its passage.

JAMES DILL,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

APPROVED—March 8, 1813.

JOHN GIBSON.

## CHAPTER XXIX.

AN ACT *making certain Specific Appropriations.*

Specific appropriations

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That there shall be and is hereby allowed to Jones & Dubois, the sum of forty-three dollars sixty-two and a half cents for stationery furnished to both houses of the legislature during the present session, which sum the treasurer is hereby directed and enjoined to pay out of any money which now may be in the treas-

ury, or out of the first monies which may come into the treasury.

To Mark Barnett, for rent of two rooms for the use of both houses of the legislature during the present session, as also for firewood furnished for the same, fifty dollars.

To William Prince, for postage of letters

( 81 )

received by him as Auditor, stationery, and expences in recovering territorial monies the sum of fifty-six dollars thirty-seven and a half cents.

Specific appropriations continued.

To Elihu Stout for postage of abstracts, eighteen dollars eighty cents.

To William Prince for his services as auditor of public accounts from twelfth December, one thousand eight hundred and twelve, to twentyeth January, one thousand eight hundred and thirteen, the sum of thirty-five dollars and twenty cents, in full for his compensation or salary for that period.

To General Washington Johnston, late auditor of public accounts, for his services as auditor of public accounts, from twentyeth January, to seventh February, one thousand eight hundred and thirteen, in full for his compensation as such, seventeen dollars fifteen cents.

To Samuel Gwathmey, register of the land office at Jeffersonville, for abstracts of land furnished the auditor of public accounts for the years one thousand eight hundred and eleven, and twelve, the sum of ten dollars.

To John Badollet, register of the land office at Vincennes, for abstracts of land furnished to the auditor of public accounts the sum of ten dollars.

To James Johnson, for books and stationery furnished for his office as treasurer, the sum of forty dollars.

To William Mc. Farland, a member of this house, for coming to, remaining at, and travelling from Vincennes in the fall of one thousand eight hundred and twelve, agreeable to the prorogation of Governor Harrison

Specific ap-  
propriations  
continued.

at the session of one thousand eight hundred and eleven, the sum of thirty dollars.

To Robert Hanna, sheriff of Franklin county for advertising the sale of delinquents lands for taxes, for the year one thousand eight hundred and twelve, the sum of six dollars and fifty cents.

To Elihu Stout, for printing and stitching five hundred copies of the laws passed at the present session of the legislature, the sum of one dollar and twenty five cents per page, one half of which sum the auditor is hereby authorised to audit to the said Elihu Stout, as soon as one half of the printing and stitching of the said laws shall be completed, and the balance of the said sum as soon as the whole shall be completed, and to issue his warrants for the same, payable at the territorial treasury, as in other cases; in auditing which account the auditor shall have regard to the number of pages when printed, agreeably to the contract entered into by the said Elihu Stout for that purpose.

Proviso in  
favor of J.  
& Dubois.

*Be it further enacted,* That all the foregoing sums hereby allowed and appropriated shall be audited and payable on the warrant of the auditor as in all other cases, saving and excepting however that to Jones & Dubois, their claim shall be paid out of any money now in, or which shall first come into the treasury.

How laws to  
be disposed  
of.

*Be it further enacted,* That so soon as the laws of the present session may be completed by the printer and delivered to the secretary of territory, it shall be the duty of the territorial auditor to receive from the secre-

tary, 40 copies for each county within the territory, and immediately forward them to the Clerks office in the several counties, and the expence of the said transportation of the said laws shall be paid out of the territorial treasury, on the warrant of the said auditor.

*Be it further enacted,* That the sum of three hundred dollars be, and the same is hereby appropriated for contingent expences, and the said fund shall be subject to the order of the Governor for expresses, and other incidents which cannot now be foreseen by the two houses, a statement whereof shall be by him laid before them at their next session, and that all expresses sent by the commanding officers of regiments within the territory relative to militia services, shall be paid out of the said fund, on the order of the Governor.

Contingent  
fund.

JAMES DILL,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

APPROVED—March 10, 1813.

JOHN GIBSON.

( 84 )

CHAPTER XXX.

A JOINT RESOLUTION of both Houses.

RESOLVED by the Legislative Council and House of Representatives, That when the Governor prorogues both houses of the Legislature at the end of the present session, he shall prorogue the said two houses to meet at the seat of government on the first Monday in December next, which day shall be, and is hereby declared to be the time for the meeting of the said Legislature.

JAMES DILL,

*Speaker of the House of Representatives.*

JAS. BEGGS,

*President of the Legislative Council.*

APPROVED—March 10, 1813.

JOHN GIBSON.

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## CHAPTER XXXI.

AN ACT *fixing the times of holding certain Courts within the Indiana Territory.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the Judges of the courts of Common Pleas of the several counties within this territory shall hold their three annual sessions as follows, to wit:—*

Times of holding courts of C.P.

L

( 85 )

For the county of Wayne on the third Monday in May, August and November.

For the county of Franklin, on the second Monday in May, August and November.

For the county of Dearborn, on the third Monday in April, July and October.

For the county of Jefferson, on the first Monday in April, July and October.

For the county of Clarke, on the fourth Monday in March, June and September.

For the county of Harrison, on the first Monday in April, July and October.

For the county of Warrick, on the third Monday in April, July and October.

For the county of Gibson, on the second Monday in May, August and November.

For the county of Knox, on the third Monday in May, August and November.

§ 2. *Be it further enacted, That the Judges of the General court shall hold Circuit courts under the same regulations as heretofore pointed out by law in the following counties, to wit:*

Time of holding Circuit courts.

For the county of Wayne, on the fourth Monday in June.



For the county of Franklin, on the third Monday in June.

For the county of Dearborn, on the second Monday in June.

For the county of Jefferson, on the first Monday in June.

For the county of Clark, on the fourth Monday in May.

For the county of Warrick, on the second Monday in June.

( 86 )

For the county of Gibson, on the third Monday in June, and

For the county of Knox, on the first Monday in August, yearly and every year.

§ 3. *And be it further enacted*, That all suits now pending in any of the aforesaid courts, and all process made returnable to any time or times heretofore heretofore pointed out by law for the session or term of the said courts or any of them, shall be, and are hereby continued over and made returnable to the periods and times herein above expressed, as fully and completely as if the said process or suits had been originally made returnable, or the proceedings had been originally continued to the said terms or periods in this act expressed.

Suits & proceedings continued, &c.

§ 4. *Be it further enacted*, That the next court of Common Pleas of Knox county shall be, and the same is hereby adjourned until the second Monday in April next, and all suits, pleas and matters depending in said court are hereby continued over until the second Monday in April next, in as full and complete a manner as if this act had not have passed.

Time of holding C.P. in Knox changed.

§ 5. *Be it further enacted*, That the several courts of Common law in this territory be and they are hereby authorised and empowered in all cases where it may be necessary for the more full and complete administration of justice to render judgments or decrees for the specific performance of any contract or contracts, and to compel

General and Circuit court given certain powers, &c.

the parties, whether plaintiff or defendant to any suit or action, to disclose upon oath or affir-

( 87 )

mation, any matter or circumstance relative to any suit, action, plea or plaint, pending, or which may be pending in any such court, and the matter or circumstance so disclosed, to admit and receive as evidence under the same rules, regulations and restrictions which in courts of Chancery, are, or have been used and observed; and also to extend and give to all suitors, and all persons in any way concerned in any suit or action pending or which may be pending in any of the said courts, all the benefits and advantages which by the laws of this territory have heretofore been, or might or ought to be extended or given by a court of Chancery to any suitor or suitors in such court.

§ 6. *And be it further enacted,* That any plaintiff or defendant who may be desirous to have any circumstance or matter relative to the suit or action to which he may be a party disclosed by his opponent agreeably to the provisions contained in the first section of this act, it shall be the duty of such plaintiff or defendant at the time of filing his or her declaration or plea, to file also therewith his, her or their petition, stating in a concise and conspicuous manner the circumstances or matters which he, she or they may be desirous to have disclosed, and therein pray the court that the opposite party, plaintiff or defendant may be compelled to disclose the same upon oath or affirmation; and the party filing such petition may take a rule for answer as other rules are or may be taken; and in case the opposite party shall fail to comply with such rule, he shall be consider-

How party  
to proceed to  
get evidence  
from oppo-  
nent, &c.

( 88 )

ed in default, and shall be subject to the same proceedings

§ 6, l. 10. In the enrolled act the word "so" appears between the words "have" and "disclosed."—ED.

and regulations which in other like cases have or may be used in the courts of common law, and when in any such suit or action issue shall be joined on any matter of fact, the whole evidence in the cause shall be laid before the jury, who shall give their verdict according to the equity and justice of the case. And when a specific performance of any contract may be prayed for, it shall be so expressed and set forth by the plaintiff in his declaration, and the jury in making up their verdict shall state whether in their opinion such contract ought to be specifically performed, and in what manner, and they shall give such damages as will be sufficient to enforce obedience to the decree or judgment of the court on such verdict.

§ 7. *And be it further enacted*, That all witnesses examined in any suit under the provisions of this act, shall be openly examined in court, in presence of the jury, except in those cases in which a *dedimus* to take depositions might and ought to be issued agreeably to the rules and regulations which are or may be established by the laws of this territory in the courts of common law, and the same rules of evidence shall be observed which are or may be established in the courts of common law, excepting that the parties to, and other persons interested in any suit or action may be examined, and compelled to answer upon oath or affirmation, concerning any circumstance, matter or fact relative to such suit or action,

How witnesses to be examined, &c.

( 89 )

agreeably to the provisions of the first section of this act.

§ 8. *And be it further enacted*, That appeals and writs of error may be taken from, and exceptions to the judgments and decisions of the several courts of Common Pleas to the General court, subject to the same rules and regulations which are or may be established by the laws of this territory.

Appeals and writs of error may be taken, &c.

§ 9. *And be it further enacted*, That so soon as the suits which are now commenced in the court of Chancery

Former chan-  
cery court  
annulled and  
when.

of this territory shall be carried to final judgment and execution, then the said court of Chancery shall cease and become null and void, and no suit shall from and after the passage of this act be commenced in the court of Chancery.

Governor to  
appoint addi-  
tional chan-  
cellors, their  
allowance,

§ 10. *And be it further enacted*, That the Governor of this territory be, and he is hereby authorised to appoint two additional Chancellors, to consist of the Judges of the General court, which three Chancellors, or a majority of them, shall form a court of Chancery to complete and finish the suits which are now depending in the said court, agreeably to the existing laws regulating the said court. And the said Chancellors shall receive as a compensation, each, fifty dol-

( 90 )

lars per annum, until said suits shall be finished.

JAMES DILL,  
*Speaker of the House of Representatives.*  
JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 11, 1813.

JOHN GIBSON.

## CHAPTER XXXII.

RESOLVED *by the Legislative Council and House of Representatives*, That Mark Barnett be allowed four dollars for house rent and fire wood for two days which was not included in the appropriation law.

JAMES DILL,  
*Speaker of the House of Representatives.*  
JAS. BEGGS,  
*President of the Legislative Council.*

APPROVED—March 12, 1813.

JOHN GIBSON.

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 TABLE OF CONTENTS.

	Chap.	Page.
An act to revive and amend an act entitled an act to incorporate the Vincennes Library Company.	1	3
An act for improving the Navigation of White Water.	2	4
An act to amend the act entitled "an act to License and regulate Taverns."	3	8
An act providing a mean to help and speed poor persons in their suits.	4	10
An act to amend an act entitled "An act providing for the appointment of Constables.	5	12
An act directing the mode of changing the Venue.	6	13
An act repealing all laws or parts of laws making it necessary to obtain a license for vending any article or articles the product or manufacture of the United States or territories thereof.	7	16
An act to reduce into one the several acts establishing a permanent revenue.	8	17
An act to revive an amend an act for incorporating the Roman Catholic Church in Vincennes.	9	37
An act for fixing the seats of justice in all new counties hereafter to be laid off.	10	39
An act for the relief of the several sheriffs & collectors of county & territorial monies.	11	43
An act in amendment to the "act providing for the auditing of claims against the Indiana territory, and for other purposes."	12	44



An act for the relief of the heirs of Henry Vander Burgh deceased.	13	48
An act allowing compensation to the members and officers of both houses of the legislature at the present session.	14	49
An act to remove the seat of government		
	Chap.	Page.
from the town of Vincennes to the town of Corydon, in the county of Harrison.	15	51
A joint resolution respecting residence of the governor and secretary.	16	55
An act for the relief of the several listers of personal property in the Indiana territory for the year, 1112.	17	56
A bill for the relief of Isaac Montgomery and Robert Anderson.	18	56
An act regulating the inspection of flour, beef and pork.	19	58
An act regulating the duties of sheriffs in certain cases.	20	62
An act in amendment to the several acts concerning public roads and highways.	21	63
An act supplementary to an act entitled 'an act for the relief of James Hamilton, sheriff of Dearborn county, and for other purposes'	22	64
An act for the formation of two new counties out of the county of Knox.	23	67
An act authorising the courts of common pleas of Dearborn county to levy an additional tax in the year 1813, for certain purposes.	24	70
An act for correcting the duplicate or assessment of the lands within this territory and for other purposes.	25	72
An act for the relief of John Hunter, and the heirs of Jacob Warrick, deceased.	26	74

## TERRITORIAL LAWS, 1813

369

An act to amend the act to prevent trespassing by cutting of timber.	27	76
An act regulating divorces within the Indiana territory.	28	77
An act making certain specific appropriations.	29	80
A joint resolution of both houses.	30	84
An act fixing the times of holding certain courts within the Indiana territory.	31	84



# ACTS OF ASSEMBLY

OF THE

## INDIANA TERRITORY,

PASSED AT THE

### SECOND SESSION

OF THE

## FOURTH GENERAL ASSEMBLY

### *OF SAID TERRITORY,*

BEGUN AND HELD AT THE TOWN OF CORYDON, ON MON-  
DAY THE SIXTH DAY OF DECEMBER, A. D. ONE THOU-  
SAND EIGHT HUNDRED AND THIRTEEN.

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MADISON:

*PRINTED BY HENDRICKS AND CAMRON,*

PRINTERS TO THE TERRITORY.

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1814:





# ACTS

## OF THE

### INDIANA TERRITORY.

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#### CHAPTER I.

*An ACT establishing and regulating the Militia of the Indiana Territory.*

SEC. 1. **B**E it enacted by the Legislative Council and House of Representatives of the Indiana Territory, That each and every able bodied white male person of this Territory, who is, or who shall be of the age of eighteen years, and under the age of forty-five years, except as herein after excepted, shall severally and respectively, be enrolled in the militia of this Territory, by the captain or commanding officer within the bounds of whose company, each person may reside, within twenty days next after he shall be informed of such residence; and at all times hereafter, such commanding officer shall enrol every such person aforesaid, and also those who may from time to time arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty five, except as hereafter excepted, who shall come to reside within the bounds of his company, and shall without delay, notify such person of said enrol-

Who shall do militia duty.

Where enrolled.

How notified.

[ 4 ]

ment, by a non-commissioned officer of the company, by whom such notice may be proved; and every person so enrolled and notified, shall within twelve months after he shall have been resident of this Territory, or sooner, if called into actual service, provide himself with a good

When and how armed.

How he shall  
appear accou-  
tred when cal-  
led on.

Field officers  
how armed.

Arms exempt  
from distress.

musket and bayonet, fusee, or rifle, a knapsack and blanket, and two spare flints, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket, or fusee, each cartridge to contain a proper quantity of powder and ball, or pouch and powder horn, with twenty-four balls suited to the bore of his rifle, and a quarter of a pound of powder; and every enrolled person, shall so appear armed and accoutred and provided when called on, except when called to exercise by company, at which time he may appear without his knapsack and blanket. The field officers shall be armed with a sword, and the company officers with a sword or espartoon. And every person so enrolled and providing himself with arms, ammunition and accoutrements required as aforesaid, shall hold the same exempt from all impressment, suits, distresses, executions or sales for debt, damages, or the payment of taxes; and each person enrolled in any company in this Territory, when he shall arrive to the age of forty-five years, shall report himself to the commandant of his company, as being of the age aforesaid, and produce satisfactory evidence thereof, before he shall be entitled to any exemption from service in the militia; and if such person should make a false affidavit of such fact, he

[ 5 ]

shall be liable to be proceeded against for perjury.

§ 2. *And be it further enacted*, That the militia of the Territory, shall be divided into divisions and brigades, at the discretion of the commander in chief of the militia: *Provided*, That when any entire regiment, battalion or company, has been or may be set off, the officers in such regiment, battalion or company, shall retain their respective commands; and if the number of such regiment, battalion, or company, shall be changed by such alteration, from the number in which any officer therein was commissioned, or if the commission of any colonel, or major, does not express or designate his proper command

Commissions  
to designate  
rank.

or rank, agreeably to the provisions of this act, such colonel, or major, shall apply to the commander in chief, to have the necessary alterations endorsed on the back of his commission, and transmit notice thereof to the adjutant-general's office, and such endorsement shall vest such officer with the same authority, as if the purport thereof had been expressed on the face of his commission; and the adjutant-general shall keep a rank roll of all the commissions which may issue to the officers of the militia. When a new division, brigade, regiment, battalion or company district, may be set off, and composed of a part of two or more divisions, brigades, regiments, battalions or companies, the officers who were legally appointed to the command of the same, shall retain their respective commands, until other officers can be elected, and commissioned; and all brigades, regiments, battalions and companies

## [ 6 ]

shall be numbered according to the time of their first organization, if practicable, if not, to be by lot; and a record of such numbers made in the adjutant-general's office; and when in the field, or in actual service, each division, brigade, regiment, battalion, and company, shall take rank according to their numbers, reckoning the first or lowest number, highest in rank. Each division shall consist of not less than two, nor more than four brigades; each brigade of not less than two, nor more than eight regiments; each regiment of two battalions; each battalion of not less than four, nor more than seven companies, and each company shall consist of sixty privates: *Provided*, That if local circumstances should require it, a company may be formed of forty, or extended to eighty, rank and file.

Corps how to  
be numbered.

Proviso.

§ 3. *Be it further enacted*, That the militia of this Territory shall be officered as follows, viz. to each division there shall be one major general, who shall be allowed two aids-de-camp, and one quartermaster general,

Militia how of-  
ficered

Staff.

which aids-de-camp shall be appointed by the major general; to each brigade there shall be one brigadier general, and one brigade inspector, who shall serve as brigade major, and one quartermaster of brigade, both to be appointed by the brigadier general; to each regiment one colonel, to each battalion one major, to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer. The regimental staff shall consist of one adjutant, one quartermaster, one clerk, one paymaster, one surgeon, one sur-

[ 7 ]

geon's mate, one sergeant major, one quarter master sergeant, one drum major and one fife major; to be appointed by the commandant of the regiment: *Provided*, That each odd battalion shall be allowed the same staff, which by this section is allowed a regiment, to be appointed by the commandant thereof.

Vacancies how  
filled in com-  
pany.

§ 4. *Be it further enacted*, That when any new company hereafter shall be set off, or vacancies shall happen in any company already set off, the major or commanding officer of the battalion to which such new company or vacancy belongs, shall within twenty days after being informed thereof, notify the electors of such company, by written notifications, set up in three public places within such company district, at least ten days previous to the day of election, directing them to meet at a certain time and place, as near the centre of such company as may appear convenient, stating the officers to be elected for said company; and the qualified electors within such company district, shall meet at the time and place pointed out in such notice, and shall proceed to choose three judges of the election, and one clerk, by a majority of votes present: any one of the persons elected as judges as aforesaid, shall administer to the other two judges and clerk, and either of the judges to him, the following oath, or affirmation, viz. "You do solemnly swear, (or affirm,

as the case may be) that you will faithfully and impartially, receive, count, and make return of the votes legally given for a captain, lieutenant or ensign, (as the case may be) in the militia for this district, in which you are appointed

## [ 8 ]

judge or clerk" (as the case may be); and the judges shall proceed to receive the ballots from the qualified electors of such district, between the hours of ten o'clock A.M. and three o'clock P.M. of said day, except to fill vacancies which may occur on said day; the clerk shall write down the names of each elector, in a book prepared for that purpose, and at the close of the election the judges and clerk shall count the ballots, compare them with the poll book, and declare to the people present, the person having the highest number of votes, duly elected: *Provided*, That when any company in this Territory shall neglect or refuse to meet and elect their officers agreeably to the provisions of this act, such company may be attached to the next company or companies adjoining, by the next battalion court of enquiry, or by the commandant of the battalion to which such company may belong, until such court of enquiry shall meet.

§ 5. *Be it further enacted*, That when the office of major shall become vacant, or a new battalion set off, the colonel, or commanding officer of the regiment, shall forthwith notify the commissioned officers of such battalion, by written notice, set up in at least two public places in each company district at least ten days previous to the day of election, directing them to meet at a certain time and place specified in said notice, for the purpose of electing a major for said battalion; at which time and place, the colonel, or commanding officer of the regiment, shall attend in person, and when met shall take to his assistance, two persons having the qualifica-

Majors how elected.



[ 9 ]

tions of electors, at that election, who shall take the oath or affirmation pointed out in the fourth section of this act, which oath or affirmation the colonel or commanding officer of the regiment is hereby authorized to administer, and the judges aforesaid shall proceed to receive the ballots, between the hours of eleven o'clock A.M. and four o'clock P.M. of said day, and the commandant aforesaid shall keep a poll book, in which the name of each elector shall be written, and at the close of the election, the judges shall count the ballots, and make out a statement of the votes given, which together with the poll book shall by the commandant be deposited with the clerk, who shall file the same in his office, and the commandant of the regiment shall, in the presence of the judges and people present, declare the person having the highest number of votes duly elected.

Colonels how  
elected.

§ 6. *Be it further enacted*, That when the office of colonel shall become vacant or a new regiment be set off, the commanding officer of the brigade, shall give the same notice as is required by the fifth section of this act for the election of a major, directing the officers of said regiment to meet, at a certain time and place, for the purpose of electing a colonel for said regiment, at which election the electors present shall choose *viva voce* one of the said electors to preside, and the person thus chosen shall take to his assistance as judges of said election, two others of said electors, who shall be governed in every respect agreeably to the preceding section of this act.

B

[ 10 ]

§ 7. Whereas by virtue of the ordinance, and in conformity to the laws of the United States, major generals and brigadier generals, in and for the Territory, are to be appointed and commissioned by the President of the United States, by the recommendation and nomination of

the governor of the Territory, *Be it therefore enacted*, That so soon as the governor of the Territory shall make his nomination, pursuant to the laws of the United States and the ordinance for the government of the Territory, and the said brigadiers and major generals are appointed, they shall be subject and be governed by the provisions of this act; and that when they, or either of them, shall appear on any parade days or muster, shall be in uniform, with a French military hat, blue cloth coat turned up with buff or scarlet, with gold epaulettes, white small clothes or buff, also boots and spurs: *Provided*, That in all elections held under the provisions of this act, for any officer under the rank of brigadier general, when two or more persons have the highest and an equal number of votes, the judges of said election shall decide by lot, which of such persons is duly elected.

General officers  
how to be uni-  
formed.

§ 8. *Be it further enacted*, That when the office of captain, lieutenant or ensign, shall become vacant, by promotion, resignation, or otherwise, on the day of election, the judges of said election shall give notice thereof, by proclamation, and the electors present, shall immediately proceed by ballot, to elect a person to fill said vacancy, and the officer whose duty it may be to forward certificates

Vancancies in  
company offi-  
ces, on days  
of election, how  
to proceed.

[ 11 ]

of election returns to the adjutant-general, shall in no case forward such certificate until the expiration of ten days from the close of the election, and if notice of a contest be given he shall retain said return until a decision is had thereon.

§ 9. *Be it further enacted*, That if any candidate or other elector chooses to contest the validity of any election, or the right of any person proclaimed duly elected an officer, he shall give notice thereof in writing to the officer who holds the election, and shall in like manner within the same time, notify the person or persons whose election he means to contest, expressing the points on

How persons  
shall proceed  
in contesting  
elections.

which he means to rely, and the officer holding the election returns, shall summon the parties to appear, at a certain time and place, which shall not exceed twenty-five days from the day of election, before three or more commissioned officers, whom he may appoint for that purpose, who shall hear and determine the same, and shall report their decision in writing, to the officer who gave the summons; which decision shall be final and conclusive.

Who eligible to a command. § 10. *Be it further enacted*, That no person shall be eligible to a command in the militia, who is not a citizen of the United States, and has not resided within this Territory twelve months; and every officer commissioned by virtue of this act, shall within ten days after receiving a commission by virtue of this act, and previous to entering on the execution of his office, take an oath to support the constitution of the United States, and also an oath of office, a certifi-

## [ 12 ]

cate of which shall be endorsed on the back of his commission, by the person administering the same; and if any person receiving any such commission, shall fail to take the oath aforesaid, within the time herein provided, and give notice thereof within twenty days thereafter, to the proper officer, whose duty it may be to direct such vacancy to be filled, he shall be considered as refusing such office, and the same shall be filled as in other cases.

Officers shall serve five years: § 11. *Be it further enacted*, That every officer who hereafter accepts a commission in the militia, shall serve five years, unless sooner dismissed by a court martial, for disobedience of orders, contempt or ungentlemanly behavior: *Provided*, That it shall be the duty of the brigade inspector, to return to the major general, all commissioned officers who have been in the service twelve months, and are not acquainted with their respective duties, and it shall be the duty of the major general to dismiss said officers for incapacity, and their vacancies shall be filled as in other cases: *Provided however*, That

May be removed for incapacity.

any person or persons, returned for want of capacity by the brigade inspector, at the request of the party, he shall be examined by the major general, and dealt with as he may deem proper; within ten days after said return, for good cause shewn to the commander in chief, he may receive the resignation of a field officer, and in like manner the commandant of a regiment, may receive the resignation of a company officer, and in all cases the officer accepting a resignation, shall endorse on the back of the commission,

## [ 13 ]

the cause for which such resignation was accepted, and return the commission to the person so resigned, and at the same time take proper measures for filling the vacancy.

§ 12. *Be it further enacted*, That every commissioned officer of whatever rank, who may lose his command in any corps, by the division of the district, or shall have served five years or upwards, as a commissioned officer in this Territory, shall be exempt from military duty in time of peace: *Provided*, That all such officers shall be enrolled and classed as militia men, in the companies in which they may respectively reside, by the commandants of such companies, and shall hold themselves in readiness to do military duty, in their proper classes, when called into actual service.

§ 13. *Be it further enacted*, That the commander in chief be authorized to appoint two aids-de-camp, to rank as colonels; the general and regimental staff officers shall rank as follows, to wit: the adjutant-general and quartermaster general as colonels; aids-de-camp, brigade inspectors, and brigade quartermaster, as majors; surgeons as captains; adjutants, quartermasters, clerks, paymasters and surgeon's mate, as lieutenants; and other regimental staff officers, as non-commissioned officers; and the officer appointing his staff, shall certify the same to the person appointed, giving to him his proper title or rank, purport-

Staff officers,  
their rank.



ing that he is to be respected and obeyed as such; and the staff officers receiving such appointment, shall each, before he enters upon the duties of his office, take an oath or affirmation,

[ 14 ]

faithfully and impartially to discharge the duties enjoined on him by law; and the officer who administers such oath or affirmation, shall endorse the same on the back of his said certificate.

Sergeants and corporals, how appointed.

§ 14. *Be it further enacted*, That the commissioned officers of each company, after the company shall be so enrolled, shall appoint four sergeants, giving to each his rank, and also four corporals, giving to each his rank, and the captain shall certify to each non-commissioned officer his appointment, directing therein that he is to be respected and obeyed as such, and notify the company of such appointment.

§ 15. *Be it further enacted*, That any militia man moving from one company district to another in this Territory, may apply to the commanding officer of the company to which he belongs, who shall certify the number of the class to which he did belong, and on producing such certificate he shall be enrolled in the same class; but all militia men removing as aforesaid, and not producing such certificate, shall be enrolled by the captain of such district, so that he may be first called into service, and such person shall be bound to serve accordingly.

Colors, how to be provided.

§ 16. *Be it further enacted*, That each battalion, shall have a stand of colors, to be provided by the field officers of the regiment, with the number of battalion, regiment, brigade and division inserted thereon: and each company with a drum and fife or bugle horn, to be provided by the officers of the company, who shall be compensated therefor, as hereinafter provided.

[ 15 ]

Whereas it is provided by the thirty-ninth section of an



act of Congress, entitled "an act regulating the post-office establishment," passed the thirtieth of April, one thousand eight hundred and ten, that the adjutant-general of the militia of each State and Territory, shall have a right to receive by mail, free of postage, from any major or brigadier general thereof, and to transmit to such generals, any letters or packets, relating solely to the militia of such State or Territory: *Provided always*, That every such officer, before he delivers any such letter or package for transmission, shall in his own proper hand writing, on the out side thereof, endorse the nature of the papers enclosed and thereto subscribe his name and office, and shall previously furnish the postmaster of the office where he shall deposit the same, with a specimen of his signature, and if any officer shall frank any letter or package, in which shall be contained any thing relative to any other subject than of the militia of such State or Territory, every offender shall on conviction of every such offence, forfeit and pay a fine of fifty dollars therefor.

§ 17. *Be it further enacted*, That the election of all officers below a colonel, shall be certified by the judges of the election, or officer who presides at the same (as the case may be) to the commandant of brigade to which they may respectively belong, who shall certify all such elections, together with the election of colonels, within his brigade, franked, to the adjutant-general, who shall lodge such returns in the office of the se-

Elections of officers how certified.

[ 16 ]

cretary of the Territory, and shall forthwith, after the commissions issue, enclose them, franked, to the commandant of the proper brigade, or division; he shall also enclose, frank and transmit by mail, to each major general, or brigadier general, all papers and packages, relating solely to the militia of this Territory, from his own office, or the office of the secretary of this Territory, and receive in like manner all such papers and packets from said generals.

Musters.

§ 18. *Be it further enacted*, That there shall be a muster of each and every company, which now exists or shall be erected, by the provisions of this act, on the first Saturday of April and September, in each and every year, and in like manner the first battalion of each first regiment shall meet on the second Saturday of April, the second battalion of said regiment on the third Saturday; the first battalion of the second regiment, on the fourth Saturday, and the second battalion on the succeeding Saturday in each and every year; and when there shall be more than two regiments to a brigade, the battalion musters shall be holden in succession as aforesaid, leaving one week only between each muster: *Provided*, That when there may be an odd battalion to any brigade, the muster thereof shall be last held in like succession; and the first regiment of each brigade, shall muster on the second Saturday in September, and shall continue to perform military evolutions and exercise agreeably to the military discipline of the armies of the United States, and such other evolutions as the

[ 17 ]

commandant thereof may direct, from ten o'clock A.M. until three P.M. The second regiment shall in like manner, meet on the succeeding Saturday; and if there should be more than two regiments to any brigade, such regiments shall muster according to their numbers, in succession as aforesaid, leaving one week only between each muster: and if there should be an odd battalion attached to any brigade, it shall last muster in like succession as aforesaid; and the regiments or battalions so to meet, shall perform all and singular, the duties required by this section, of the first regiment aforesaid: *Provided*, That the commandant of each regiment, battalion or company, may call a meeting of their respective regiments, battalions or companies, at any other time, when in their opinion the exigency of the case may require, or when ordered so to do by a superior officer.

§ 19. *Be it further enacted*, That the brigadier general, or commandants of brigades, shall call the commissioned and staff officers of their respective brigades together, once in each and every year, for the purpose of having them exercised, agreeably to the military discipline of the armies of the United States, and such other evolutions as he may direct, by giving forty days previous notice thereof to the colonels, who shall give thirty days previous notice thereof to each major and staff officer of his regiment, and the major shall give twenty days previous notice thereof to the commanding officers of companies, who shall give ten days notice of the same to his subalterns; at which time

Brigade drill  
muster.

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and place, such brigadier general, or commandant of brigade, shall attend, and superintend the exercise, from ten o'clock, A.M. of the day of meeting, until three o'clock P.M. of the succeeding days; the officers to perform camp duty during the night: *Provided*, That at all musters the officer highest in rank present, shall have a right to command.

§ 20. *Be it further enacted*, That the commandants of companies, shall each appoint the place for holding his company muster; the commandants of battalion, shall each appoint the place of holding the musters of his battalion; the commandants of regiments, shall each appoint the place of holding his regimental muster; and the commandants of brigades, shall each appoint the time and place of holding officers' musters in his brigade; which shall be as near the centre of the respective districts, as the ground and the circumstances will admit: *Provided*, That where the local situation of the officers of any brigade, renders it inconvenient for them all to meet at one place, they may be detached and mustered on different days, in such manner as the commandant thereof may judge expedient.

Places of mustering by whom appointed.

Company dis-  
trict remotely  
situated how  
to exercise.

§ 21. *Be it further enacted,* That when the centre of any company district, shall be a greater distance than fifteen miles from the place of holding the muster of the battalion or regiment to which such company may belong, the commandant of said battalion or regiment, may, if he think proper, direct such company, or companies, respectively, to meet on the day appointed by this act for the meeting of such battalion or regiment,

[ 19 ]

at the place of holding their respective company musters, and shall exercise, under the command of their company officers, the same length of time, and in every respect perform the same duty, as the battalions and regiments to which they respectively belong are by this act required to exercise and perform.

Brigade dis-  
tricts, how  
made or alter-  
ed.

§ 22. *Be it further enacted,* That whenever it becomes necessary, from any increase of population or other circumstances, to create new, or alter old brigade districts, the general and field officers of the division to which such brigade belongs, or a majority of them, in which such bounds are to be altered, shall meet, under the direction of the commanding officer of the division, who shall attend such meeting, and make such alterations, or create new districts, as may be thought necessary, and transmit a copy of such alterations forthwith to the first aid-de-camp of the division, who shall record the same. In like manner the field officers of any brigade, or a majority of them, shall have power to alter old, or create new regimental districts, who shall meet for that purpose, under the directions of the commander of the brigade, who shall attend such meeting in person. And all alterations thus made, shall be recorded by the clerk of the respective regiments. Also, in like manner the field officers and captains of a regiment, or a majority of them, may alter or create new battalion districts; to meet for that purpose, under the direction of the commanding officer of the regiment, who shall attend such meeting: and also, the commissioned officers of a battalion, or a

Regimental  
districts how  
made or alter-  
ed.



[ 20 ]

majority of them, may meet, under the direction of the commanding officer of the battalion, for the purpose of creating new, or altering old company districts; and all alterations thus made, shall be recorded by the clerk of the regiment: *Provided*, That no alterations, or division, made as aforesaid, shall reduce an old, or set off a new brigade, below the number of one thousand rank and file, or in any case reduce an old, or create a new regiment, below the number of two hundred and sixty rank and file.

§ 23. *Be it further enacted*, That there may be one company of artillery, and one troop of horse, attached to each regiment, where either or both of said companies can with convenience be raised and equipped within such regiment; to be raised by voluntary enrolment, in such manner as shall be directed by the commandant thereof; and one company of riflemen, light infantry or grenadiers, to each battalion, when in the opinion of the commandant thereof, either of said companies can be raised without reducing the district companies below the number of forty privates; also to be raised by voluntary enrolment, in such manner as the commandant of the battalion shall direct; each of said companies to be composed of men between the age of eighteen and forty-five years; and the commanding officer of the regiment or battalion (as the case may be) shall direct elections to be held for company officers as in other cases, agreeably to the provisions of this act, and shall return the names of the officers so elected in like manner to the commandant of the bri-

Volun-  
teer corps,  
how to be  
raised.

How officered  
and equipped.

[ 21 ]

gade; and the said companies, when raised, shall wear, while on parade, such uniform as may be agreed upon by a majority of the company; and the officers, when commissioned and qualified, shall proceed to appoint their non-commissioned officers and musicians, and from time to time shall fill such vacancies as may happen in their



companies: *Provided*, That it shall not reduce the district companies in said battalion, or regiment, below the number aforesaid. And when any captain of artillery, troop of horse, light infantry, grenadiers, or riflemen, shall enrol any person out of any company, he shall forthwith notify the commanding officer of the company from which such person was enrolled, in writing; and if it shall be made to appear that such company was reduced below the number aforesaid, the commanding officer of such light company shall order the person so enrolled back to the company from which he was enrolled: *Provided*, That if all light companies, that are now organized or may hereafter be raised or organized, shall not equip themselves as the law directs, within six months after such organization, such company, or companies, shall, without good cause shewn to the contrary, be re-attached by the colonels of regiments, or commandants of battalions, to the companies in whose districts they shall in all respects be subject to the same rules, regulations and order, as the rest of the militia, except as herein after excepted.

When to be equipped.

Company of artillery, of whom composed.

§ 24. *Be it further enacted*, That to every company of artillery, there shall be one captain, two lieutenants and one ensign, four

[ 22 ]

sergeants, four corporals, six gunners, six bombardiers, one drummer, one fifer, and not less than twenty, nor more than thirty matrosses; the non-commissioned officers shall be armed with a sword or hanger, and each private or matross, shall be armed with a fusee, bayonet and belt, with a cartridge box to contain twenty-four cartridges suited to the bore of his fusee, and one piece of artillery to each company; and to each troop of horse, there shall be one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, one trumpeter and not less than thirty, nor more than sixty privates; the commissioned officers shall furnish themselves with good horses, saddles and holsters, and

Troop of horse of whom composed.

shall be armed with a sword and a pair of pistols; and each dragoon shall provide himself with a serviceable horse, not less than fourteen hands high, a good saddle and holsters, bridle, mail pillion, a breast plate and crupper, a pair of boots and spurs, or gaiters, and armed with a sabre, a pair of pistols and a cartridge box, to contain twelve cartridges; light infantry and riflemen, there shall be one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer, and not less than thirty, nor more than sixty-four privates; the commissioned officers of such companies, to be armed with swords or hangers; and every company of grenadiers or light infantry, shall be armed with sufficient muskets or fusees, bayonets and belts, with a cartridge box to contain twenty-four cartridges, suited to the bore of their muskets or fusees,; and each

Light infantry  
or rifle com-  
pany how  
composed.

[ 23 ]

company of riflemen shall be armed with good rifles, pouches or powder horns.

§ 25. *Be it further enacted,* That at battalion musters, each company of artillery and cavalry, shall meet and exercise with such battalion, as the commandant of the regiment to which they belong may direct.

§ 26. *Be it further enacted,* That every officer and soldier, shall appear at their respective muster grounds, armed and equipped as the law directs, on the day appointed, at eleven o'clock in the forenoon; and at every muster, each commandant of a company, shall direct a sergeant of his company, at half past eleven o'clock in the forenoon, to call the roll and examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof to the next court of enquiry to be holden for the purpose of assessment of fines; and at battalion or regimental musters, make return to the commandant of the battalion or regiment, (as the case may be) of the strength of his company, the number of rifles, muskets and fusees, bayonets, cartridge

When to ap-  
pear at muster.

When roll to  
be called.

How returns  
to be made.

boxes, powder horns and pouches, on parade, agreeably to such forms as are laid down in the thirty-sixth section of this act; and at each officer, regimental and battalion muster, court of enquiry, court martial, or board of officers, the officer highest in command present, shall at an hour after the time appointed for such meeting, call the names of the officers whose duty it is to attend, note down the delinquents and make return thereof to the next regimental court of enquiry and assessment of fines.

[ 24 ]

§ 27. *Be it further enacted*, That if any by-stander at any muster or at any meeting of officers, required by this act, do insult, or otherwise molest, any officer or soldier, the commanding officer may order such person to be put under guard, for any time not exceeding six hours.

Persons wish-  
ing to be  
exempt, how  
to proceed.

§ 28. *Be it further enacted*, That all persons wishing to be exempted from military duty, on account of bodily infirmity or disability, shall make oath or affirmation, (as the case may be) before a justice of the peace, that he believes himself incapable of performing militia duty, and shall present to the surgeon of the regiment to which he belongs, a copy of the same, who shall, on the receipt thereof, examine such person relative to his indisposition or disability; and if in his opinion the person thus applying, is unable to perform militia duty, he shall certify to the next regimental court of enquiry, the name of the person thus applying, together with the nature of his complaint; and the person obtaining the surgeon's certificate, shall pay him fifty cents, excepting those who have paid him for a certificate heretofore obtained; at which court such applicant shall attend, and be examined under oath, if required by the surgeon and court of enquiry; and if in the opinion of said court, such person is unable to perform military duty, the president of said court, or board, shall give such person a certificate of exemption, until his complaint shall be removed; and when a detachment shall be called into service, and shall have ar-

rived at the place of rendezvous, the commandant thereof shall

[ 25 ]

order a court of enquiry, to consist of not less than three commissioned officers, and who shall together with the surgeon of the regiment or detachment, examine all persons belonging to such detachment, making application, and shall grant certificates in the same manner, and under the same regulations, as regimental boards are authorized to do by this section. No person heretofore exempted from militia duty, on account of any actual or alleged bodily infirmity or disability, shall hereafter be exempted by such exemption, unless he complies with the requisitions of this section.

§ 29. *Be it further enacted*, That when any person shall be exempted as aforesaid, they shall not be eligible to hold any office in the militia of this Territory.

§ 30. *Be it further enacted*, That the following persons shall be exempt from military duty: all ferrymen, necessarily employed at a ferry on a post road, all ministers of the Gospel, regularly ordained or approved and recorded, according to the rules of their respective churches, during such time as they shall continue in the exercise of the duties of their respective profession and occupation.

Who shall be exempt from duty.

§ 31. *Be it further enacted*, That it shall and may be lawful hereafter, for any person or persons, who are conscientiously scrupulous of bearing arms, in lieu of military services, in time of peace, to pay to the person appointed to collect the territorial taxes in each county, the sum of five dollars each year, taking the said collector's receipt therefor; which receipt shall exonerate and ex-

Conscientiously scrupulous how to proceed.

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[ 26 ]

empt the holder thereof, from military service for that



year, and no longer; and that on payment of a like sum, in like manner annually, the said person or persons, paying the same, shall be and are hereby exempted from militia duty. And it shall be the duty of the said collectors to pay over the same to the paymaster of the proper regiment, for the use of the same.

§ 32. *Be it further enacted*, That the captains, or commanding officers of companies, on enrolling the different persons subject to do militia duty within their several bounds, shall omit enrolling all and every person who produces to him the collector's receipt as aforesaid, and shall consider him or them as exempt from militia duty, for that year for which the said tax shall have been so paid, and no longer; and it shall be the duty of all and every person claiming exemption by virtue of his said receipt, or by virtue of his having paid the said tax, to make the same known to the captain or commanding officer of the company within whose bounds he or they may be or reside, on the first day of April next, and on or before the first day of April annually thereafter, otherwise he or they shall be subject to enrolment and duty, as all other persons are, or may hereafter be; and it shall be the duty of the captain, or commanding officer, within whose bounds such person or persons as aforesaid shall claim exemption, by virtue of the payment of taxes as aforesaid, to transmit to the paymaster of the proper regiment, a list of all persons who may have so paid the said taxes; which list, certified

[ 27 ]

by the said officer, shall be a sufficient voucher to charge the several collectors therewith.

Penalties for delinquencies. § 33. *Be it further enacted*, That the following forfeitures and penalties shall be incurred for delinquencies, viz. by the commandant of a division, for neglect of any of the duties enjoined on him by this act, not less than twenty, nor more than two hundred dollars; by the commandant of a brigade, for neglect of any orders of his



superior officer, or any other duties enjoined on him by this act, not less than fifteen dollars, nor more than one hundred and fifty dollars; by the commandant of a regiment, for neglect of any orders of his superior officer, or any of the duties enjoined on him by this act, not less than ten, more more than one hundred dollars; by the commandant of a battalion, for neglect of any orders of his superior officer, or any of the duties enjoined on him by this act, not less than eight nor more than eighty dollars; by the commandant of a company, for neglecting of any of the duties enjoined on him by this act, not less than five dollars, nor more than fifty dollars; by a subaltern officer, for neglect of any orders of his superior officer, or any of the duties enjoined on him by this act, not less than four, nor more than forty dollars; by an adjutant-general, or quartermaster general, or either of the aids-de-camp to the commander in chief, for neglect of any orders of his superior officers, or any of the duties enjoined on him by this act, not less than twenty, nor more than one hundred dollars; by an aid-de-camp to a major ge-

[ 28 ]

neral, brigade inspector, or brigade quartermaster, for neglect of any orders which he may receive from his superior officers, or any of the duties enjoined on him by this act, not less than eight, nor more than eighty dollars; by a surgeon, for neglect of any orders of his superior officers, or any of the duties enjoined on him by this act, not less than five, nor more than fifty dollars; by an adjutant, quartermaster, clerk, paymaster, or surgeon's mate, for neglect of any orders of his superior officers, or any of the duties enjoined on him by this act, not less than four, nor more than forty dollars; by a non-commissioned officer, or any of the regimental staff officers not enumerated in this section, for neglect of any of the orders of his superior officers, or any of the duties enjoined on him by this act, not less than two, nor more

than twenty dollars; by a private, failing or neglecting to attend any regimental muster during the whole time the same is on parade and duty, one dollar and fifty cents; by an officer, as above enumerated, for neglecting to meet at the time appointed for mustering without their proper arms, as is recited in the first section of this act, if a field officer, he shall be fined in a sum not exceeding five dollars, if a company officer, he shall be fined in a sum not exceeding two dollars, if a staff officer, he shall be fined in a sum not exceeding two dollars; to attend a muster of his battalion in like manner, at the time and place appointed, one dollar; a private to attend in like manner, a muster of his company, at the time and place appointed, one dollar; for attending a regimental

## [ 29 ]

muster, without a sufficient musket, rifle or fusee, thirty seven and an half cents; for attending a muster of his battalion, without a sufficient rifle, musket or fusee, thirty-seven and an half cents; for attending a muster of his company, without a sufficient rifle, musket or fusee, twenty-five cents; for attending a regimental muster, without either a cartridge box or powder horn, and bullet pouch, twelve and an half cents; without shewing a sufficient excuse. Fathers shall be bound for the payment of fines incurred by their sons under the age of twenty-one years; guardians for the payment of fines incurred by their wards, and masters for their apprentices, to be charged and collected by the collector of fines, accordingly: *Provided*, That when distress and sale of property is made to satisfy fines incurred by the provisions of this act, and the persons from whom the same is collected, refuse to accept of the overplus, if any, and account therefor, shall be returned by the collecting officer, at the same time and in the same manner he is required to return fines; and such officer, shall also pay over such overplus so remaining in his hands, to the paymaster of the regiment, in whose custody it shall remain, as a credit

For appearing  
without arms.

Fathers and  
guardians  
bound for  
fines.

to the person from whom it may have been collected, to be appropriated from time to time to the payment of any future fine or fines, which may thereafter be assessed against such person, subject always to be paid over by the paymaster, if demanded by the person, or his order, whose property has been sold for the same; and if such collecting officer, at any time

## [ 30 ]

fails in making a proper return or returns of his warrants or lists, or does not pay over any monies by him collected, agreeably to the provisions of this act, he shall be proceeded against at the suit of the proper paymaster, either on motion in open court, or by action before any magistrate or other court having cognizance of the case.

§ 34. *Be it further enacted*, That if any non-commissioned officer or private, shall make it appear to the satisfaction of the officers of the company to which he belongs, that he is unable to furnish or equip himself, as by this act required, the said officers shall exempt such non-commissioned officer or private from the fines imposed by this act, for want of such arms and accoutrements, until, in the opinion of the officers of the company to which he belongs, he is able to furnish and equip himself agreeably to law.

Non-commissioned officers and privates unable to equip exempt from fine.

§ 35. *Be it further enacted*, That the commissioned officers of each company, shall meet at ten o'clock A.M. on the Thursday next succeeding their respective September company musters, at or near the place where the said musters were held, for the purpose of holding a court of enquiry and assessment of fines, for such delinquencies as may have accrued in their respective companies, since the last regimental muster, and shall keep a fair record of their proceedings, and make out therefrom two certified lists of the names of the persons fined, annexing to each name the amount of fines assessed for delinquencies at each muster; one of which lists shall be posted up at the place of holding such court of enquiry, and the

Court of enquiry and assessment of fines in each company.

[ 31 ]

other laid before the next regimental court of enquiry, to which court any person who may think himself aggrieved, may appeal, and said regimental court of enquiry may, for good cause shewn, remit such fines.

Comman-  
dants of bat-  
talions to  
hold a court  
of enquiry.

§ 36. *Be it further enacted*, That the commandants of battalions, to which the commissioned officers of companies, in their respective battalions, shall meet at eleven o'clock A.M. on that day week, next succeeding their respective battalion musters, at or near the place where such musters were held; and said officers, or any three of them, shall hold a court of enquiry and assessment of fines, at which time and place the clerk of the regiment shall attend, who shall keep a record of the proceedings of said court, and make out two lists of the names of the persons fined, with the amount of the fines assessed on each, one of which shall be posted up at the place of holding such court of enquiry, and the other shall be laid before the next regimental court of enquiry, by the commandant of the battalion, to which regimental court any person who may think himself aggrieved may appeal, which court may, for good cause shewn, remit such fines; and a commanding officer of each regiment, together with the commandants of battalions and companies, shall meet at nine o'clock on that day week next succeeding their respective regimental musters, at or near the place where such muster was held, and the said officers, or any three of them, shall hold a regimental court of enquiry and assessment of fines, and also a court of appeals: *Provided*, That where the centre of

Comman-  
dants of regi-  
ments to hold  
a court of  
enquiry, as-  
sess fines,  
&c. also a  
court of  
appeals.

[ 32 ]

any company district shall be a greater distance than fifteen miles from the place of holding the muster of the battalion or regiment to which such company may belong, the commissioned officers of any such company, or a majority of them, shall, respectively, on that day week after the day of muster, hold a court of enquiry and



assessment of fines, at or near the place where such muster was held; which fines shall be collected and applied as other fines under the provisions of this act; said officers to appoint a clerk, who shall keep a record of their proceedings; and each commandant of such company, shall make a return of his company to the commandant of such battalion or regiment, as the case may be, within ten days after such company muster, agreeably to the provisions of the thirty-fifth section of this act: *And provided also*, That in all cases where it is necessary to administer an oath or affirmation, to carry into operation any of the provisions of this act, any officer, duly commissioned and qualified, is hereby authorized to administer such oath or affirmation.

§ 37. *Be it further enacted*, That the fines assessed at all regimental courts of enquiry for delinquencies, either at officer musters, any board of officers, or at the regimental musters, and also all fines assessed at company or battalion courts of enquiry, which are not remitted at said regimental court of enquiry, shall be collected as follows: the presiding officer of each regimental board, shall cause the clerk of the regiment to keep a record of the proceedings of

Fines how  
collected.

[ 33 ]

the board, and make out therefrom a certified list or lists, of the names of persons fined, with the amount of such fine or fines annexed to each name; which list or lists, when certified by the presiding officer, shall be by the clerk of the regiment delivered to the sheriff of the county; and if in the opinion of the commandant of the regiment, or of any subsequent regimental board of officers, it should be proper to appoint another collector for the purpose of collecting fines, as aforesaid, it shall be lawful for such commandant or board to appoint another, or others, for such purpose; and any such list shall be a sufficient warrant for such sheriff, or other collector, to enable him or them to collect the sum due from each de-



Paid to  
paymaster.

linquent, in the same manner that he would be authorized to do on an execution for the like amount, with seven per centum on the amount of fines collected from each person, as fees of collection; and any sheriff or collector, collecting any fines under the provisions of this act, shall forthwith pay the same over to the paymaster of the regiment; which paymaster shall receipt for all monies so paid; and the clerk of each regiment shall in like manner make out and forward to the paymaster of his respective regiment, a certified copy of the fines put into the hands of the sheriff or collector, as the case may be, for collection; and if the sheriff or collector who is directed to collect any fines does not pay the same over to the paymaster of the regiment, within sixty days, the paymaster shall, before any justice of the peace, proceed against such sheriff and securities, as

E

[ 34 ]

in other cases; and the said sheriff and his securities, shall only be exonerated from the payment of the amount of such lists of fines, by shewing to the satisfaction of the said justice, that there was no property to be found whereof such fine or fines could be made: all fines collected as aforesaid, shall be drawn from the paymaster, and disposed of as the regimental board of officers may direct; and all fines assessed and collected from general officers, shall be collected and disposed of as the board assessing the same may direct: *Provided*, That for good cause shewn the next regimental court of enquiry may remit, and direct the paymaster of the regiment to pay back any fines assessed at the last regimental court of enquiry.

Clerks of  
regiments  
their du-  
ties.

§ 38. *Be it further enacted*, That the clerks of regiments shall attend all courts of enquiry and courts martial held in their respective regiments, take minutes of the proceedings, receive all returns from the commandants of

battalions and independent companies in his regiment, and record the same in a book by him provided for that purpose; he shall also record the class rolls of each company in the regiment, and shall furnish the persons appointed to collect fines, with a list of all delinquents in his regiment, stating the court at which they were fined, and shall record the date of the officer's commissions in his regiment, the time of all resignations, and such other records as may be directed by the commandant of the regiments under the provisions of this act. The commandants of companies shall make returns to the majors, on the day of the bat-

Commandants of companies and battalions to make returns when.

[ 35 ]

talion and regimental musters; and the majors shall make out complete returns of their battalions and deliver the same to the commandants of their regiments, at their next regimental court of enquiry to be holden after each regimental muster; and the commandants of regiments shall cause complete returns of their regiments to be made out under their inspection, and a copy thereof forwarded to their brigadier generals, on or before the first day of November annually; and the brigadier generals shall in like manner cause returns of their brigades to be made out under their inspection, and certified copies thereof delivered to the major general of their divisions, on or before the first day of December annually; and the major generals shall in like manner make returns to the adjutant-general, on or before the first day of January annually; and the adjutant-general shall make proper abstracts from such returns, and lay the same annually before the commander in chief of the Territory, and forward a duplicate of the same to the President of the United States: *Provided always*, That the adjutant-general shall be inspector-general.

Colonels and brigadiers to make returns and when.

Major generals do.

	Stand of Colors.
	Knapsacks.
	Drums.
	Fifes.
	No. of Company.
	No. of Regiment.
	No. of Brigades.
	No. of Men, including officers.
	No. of Battalions.
	No. of Men, including Officers and independent corps.

COMPANIES.

	<i>Arms, Ammunition and Accoutrements.</i>	
	Pairs of Pistols.	
	Pairs of Holsters.	
	Cartridge Boxes.	
	Cartridges.	
	Horses.	
	Saddles.	
	Bridles.	
	Breastplates	
	Mail pillions.	
	Valoses.	
	Stand of Colors.	
	No. of Companies.	
	No. of Men, including officers.	

MEN.

	<i>Arms, Ammunition and Accoutrements.</i>	
	Powder Horns.	
	No. of pounds of Powder	
	No. of pounds of Lead.	
	Screws.	
	Flints.	
	Wires and Brushes.	
	Knapsacks.	
	Bugle Horns.	
	No. of Companies.	
	No. of loose Balls.	
	No. of Men, including officers.	

NOTE

A B and C return of Battalion.  
 A B C D E and F return of Regiment.  
 A B C D E F and G return of Brigade.  
 A B C D E F G and H return of Division.  
 And all officers shall make their returns accordingly.

Return of Rifle Company.  
 Return of either an Infantry, or Light Infantry, or Grenadier Company.  
 Return of a Cavalry Company.  
 Return of an Artillery Company.

§ 39. *Be it further enacted,* That the adjutant-general shall distribute all orders from the commander in chief to the several corps, attend all public reviews, when the commander in chief shall review the militia,

Adjutant  
general his  
duties.

[ 37 ]

or any part thereof, obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; the brigade inspector shall attend all musters of officers within his brigade, to exercise and examine them, to note delinquents and return the same to the commanding officer of the regiment to which they belong; to attend all regimental and battalion musters of the militia composing their brigade, during the time of their being under arms; to inspect their arms, ammunition and accoutrements, and obey such orders as they shall from time to time receive from the commander in chief, or commandants of divisions or brigades to which they belong; and shall in all respects attend to the delivering of general orders, and making out returns of their brigades; and the adjutants of regiments shall in like manner attend all musters of officers in their respective regiments, all battalion or regimental musters, deliver all general or regimental orders, attend to making out and delivering regimental returns, and obey such orders as they shall from time to time receive from the commandants of their respective regiments. The paymaster of each regiment shall attend their regimental courts of enquiry, and shall lay before the board an account of the state of the finances of the regiment, stating particularly all monies received and paid out, with his several proceedings relative to the duties of his office, which shall be compared with the books of the regiment; and said paymaster shall give bond with sufficient security to the com-

Brigade in-  
specter his  
duties.

Adjutant  
his duty.

Paymaster  
his duty.

[ 38 ]

mandant of the regiment, in the sum of two thousand

dollars, conditioned for the faithful performance of his duty.

Adjutant  
general his  
allowance.

Brigade in-  
specter his  
allowance.

§ 40. *Be it further enacted*, That the adjutant-general shall be allowed, in times of war fifty dollars, in times of peace twenty-five dollars, annually, to be paid out of the territorial monies by the treasurer; and each brigade inspector the sum of five dollars annually, for each battalion in the brigade to which he belongs, on the certificate of the brigadier general, to be paid out of the militia fines in each regiment or independent battalion, paying their equal proportion, by the paymasters in their respective regiments or independent battalions; the adjutants, clerks, paymasters, provost marshal, the drum and fife major, and other drummers and fifers of each regiment, shall receive such compensation for their services as the regimental courts of enquiry may from time to time think proper.

Militia how  
called into  
service.

§ 41. *Be it further enacted*, That whenever it may be necessary to call into actual service any part of the militia of this Territory, on an actual or threatened invasion of this Territory, or any of the neighboring States or Territories of the United States, the commander in chief shall forthwith demand from each division a detachment in proportion to the strength thereof, except as herein excepted; which orders shall be delivered by a special messenger to the several commandants of divisions, specifying the number required from each division, the time and place of rendezvous, if ordered to march; and the several commandants of di-

[ 39 ]

visions, after receiving such notice, shall proceed forthwith, agreeable to the provisions of this act, to detach the same: *Provided*, That whenever the safety of any of the frontier settlements of this Territory shall in the opinion of the Governor require it, he may exempt the

§ 41, l. 8. In the enrolled act the word "after" appears between the words "in" and "excepted."—ED.



militia in such settlements from being called into service, and make such further provisions for their defence as the necessity of the case may require; which exemption shall be expressed in his orders to the commandants of divisions, who, together with the commandants of brigades, regiments, battalions and companies, shall govern themselves accordingly: *And provided also*, That such militia men may be required to serve as spies on their own frontiers, and that on an actual invasion or any extreme emergency, the commander in chief, commandants of divisions, brigades, regiments, battalions or companies, may call out the whole or any part of the militia under their respective commands, as the nature of the case may require, who shall continue in service, if necessary, until the militia can be regularly called out; and all manner of persons so called and refusing to serve, shall be liable to the same penalties, as if they had been regularly called to serve in their proper classes; and the service of the person so called out, shall be accounted a part of their tour of duty.

§ 42. *Be it further enacted*, That each infantry company of the militia of this Territory, shall be divided into eight classes, preserving to each man his original class, and when called into service, shall be regu-

Light companies to be classed, and how to do duty.

[ 40 ]

lated accordingly; the first class serving on the first tour of duty, and so on, in succession, agreeably to their numbers; all companies of artillery and troops of horse shall be called into service, by companies, under their own proper officers, in the following manner, viz. the first or oldest company in the Territory, shall serve on the first tour of duty, and so on in succession, agreeably to their rank, recording the same from the date each company was first raised and organized; and all companies of light infantry, grenadiers and riflemen, shall also be called into service, by companies, under their own proper officers, to be ranked, throughout the division to which they be-

long, the first flank company in each division serving on the first tour of duty, and so on in succession throughout the division, agreeably to their ranks, recording the same from the date each company was first raised and organized: *Provided*, That a proper credit shall be given to all such companies as have already served a tour of duty.

Officer negligent in furnishing his quota for service.

§ 43. *Be it further enacted*, That if any commanding officer of a company shall refuse or neglect to make a list of the persons noticed to perform any tour of duty, and convey the same to the colonel or commanding officer of the regiment to which such company may belong, or if he shall, from time to time, be legally called from his company upon any call from the governor or his superior officer, or on an invasion or insurrection in this Territory, or failing on any such occasion to repair to the place of rendezvous, for such neglect or refusal he

[ 41 ]

shall be cashiered, and fined at the discretion of a court martial, in any sum not exceeding two hundred and fifty dollars, nor less than fifty dollars.

May serve by substitute.

§ 44. *Be it further enacted*, That any person called on to perform a tour of duty, may serve by a sufficient substitute, to be approved by the captain or commanding officer of the company to which he may be offered to serve in; but if such substitute should be called in his own turn, into actual service, before the term expires which he was to serve for his employer, the person employing such substitute shall march or find a person to march in his substitute's turn, to be accepted as aforesaid, or be liable to all the penalties incurred by persons refusing to serve when called on tours of duty.

Officers to serve on tours agreeably to the dates of their commissions.

§ 45. *Be it further enacted*, That for the purpose of having the militia, when called by classes, properly officered, the following order is hereby enjoined; that is to say, all major generals shall serve on tours of duties agreeable to the dates of their respective commissions, if

the detachment required from the Territory amounts to a major general's command; and brigadier generals shall also serve agreeably to the dates of their respective commissions, successively, throughout the Territory; and all colonels and majors of division shall be called into service agreeably to the dates of their respective commissions, the oldest colonel and two oldest majors in each division, to serve on the first call, and so on successively throughout the division, agreeably to the dates of their commissions; but in case the commis-

F

[ 42 ]

sions of any two or more officers of the same grade in the Territory, should bear the same date, the commander in chief, or the adjutant-general, shall determine by lot, which of said officers shall first command, and notify them accordingly; and captains and subalterns in each regiment shall be classed as follows, that is to say, for the

First draft,	1st capt.	2 lieut.	4 ensign.
--------------	-----------	----------	-----------

2	2	1	3
3	3	4	2
4	4	3	1
5	5	6	8
6	6	5	7
7	7	8	6
8	8	7	5

reckoning the same from the dates of their respective commissions: *Provided*, That where there may be an odd battalion in any brigade, the company officers shall be classed in like manner. All regimental staff officers to take tours of duty with the colonels of their respective regiments; brigade staff officers, with their respective brigadier generals; and division staff officers, with their respective major generals; and non-commissioned officers of companies in the following manner, viz. the first sergeant, first corporal and musician, to take tour with the

Staff officers to take tours of duty with their respective officers.

How long they shall serve.

captains of their respective companies; and the third and fourth sergeants, and the third and fourth corporals, to take tour with the lieutenants, and the second sergeant and second corporal with the ensign; all of which officers and privates, shall serve, when called into actual service, six months, if not sooner

## [ 43 ]

dismissed, from the time they arrive at the first place of rendezvous, and no longer, and to be relieved by the class next in numerical order; the second to arrive at least three days before the expiration of the tour of the class to be relieved.

How a detachment shall be organized for service after rendezvoused.

§ 46. *Be it further enacted,* That when any detachment of the militia shall be called into service, the captain or commandant of each company, shall take care that his proportion of men are assembled and marched to the proper place of rendezvous, under the care of a commissioned officer or sergeant, with a list of the men, which list shall be delivered to the adjutant of the regiment, and he shall make out a roll of the whole, the rank of the non-commissioned officers, and names of the privates; and when the detachment shall be completed and placed under the proper officer, he shall attend them to the place appointed for the meeting of the detachment of the brigade, when the several adjutants shall deliver to the brigade major, or the officer appointed to command the whole detachment, a complete roll, containing the names of the commissioned and non-commissioned officers and privates composing the detachment, from each regiment or battalion, noting such remarks as circumstances may require; and it shall be the duty of the officer appointed to the command of such detachment, to cause two complete rolls to be made out and certified under his hand, one of which rolls he shall transmit forthwith to the adjutant-general, and the other to the brigade inspector.



## [ 44 ]

§ 47. *Be it further enacted*, That the persons of all non-commissioned officers and privates, who shall actually perform a tour of duty, shall be exempt from arrest, and their property from distress and sale, under any civil process, from the time they are legally notified to march on a tour of duty, and until they shall have reasonable time to return to their respective homes.

Property exempt from distress and persons from arrest when notified to march.

§ 47. *Be it further enacted*, That if any detachment of militia shall be drafted, or shall volunteer their services, under a call of this Territory, when they arrive at the place of rendezvous, the commandant shall appoint three persons, who shall on oath or affirmation, appraise the privates' arms, accoutrements, horses and equipage, which may belong to such detachment; and said appraisers shall give each person a certificate of the property for him appraised, with the amount of the appraisement; and the said commandant shall transmit a certified statement of such appraisement to the office of the secretary of the Territory; and the appraisers aforesaid, shall receive a compensation of one dollar each, for every day they may be so employed, to be drawn from the treasury of this Territory, on the certificate of the commandant of said detachment; and if any of the said property shall be lost (the owner using due diligence to preserve the same) the amount of such appraisement shall be paid to such person, his heirs or assigns, out of the territorial treasury.

When rendezvoused private property appraised.

§ 48. *Be it further enacted*, That where a detachment of militia shall be required to

## [ 45 ]

go into service, under a call of the Territory, the commandants of brigades, regiments or battalions, (as the case may be) from whom a detachment may be required, shall (if to be procured on reasonable terms) employ for the use of each company so required to march from their respective commands, a waggon, team and driver, or a

Detachments to be furnished with a waggon, team and driver or pack horses.



driver and four pack horses; and the commandant aforesaid, shall stipulate with the owner or owners, for a certain sum per day, to be paid to him or them for services to be rendered by such waggon, team and driver, or drivers or pack horses, during the time they may remain in such service, and give to the owner or owners aforesaid a certified copy of the agreement so entered into, therein specifying the sum or sums per day promised to be paid for said services; and the officer commanding the detachment, while in service, shall at the time of discharging the same, give or transmit to the owner or owners of such waggon, or team, or pack horses, a certificate of the service rendered by said waggon and team, or pack horses, stating the price of hire per day, and the sum total such persons may be entitled to receive for said services, directed to the territorial treasurer, who shall, on receipt of such certificate, issue bills, as in other cases, in favor of the person or persons entitled to the same; and the treasurer of the Territory shall pay the amount of such bills out of any monies in the treasury not otherwise appropriated.

§ 49. *Be it further enacted*, That the commandants of brigades, regiments or battalions from which detachments are drawn, if

[ 46 ]

Pack horses, axes and camp kettles to be purchased if they cannot be hired.

not to be obtained by hire, shall cause to be procured by purchase, for each company, four pack horses, six axes, and six camp kettles, or pots, of a convenient size, all of which shall be delivered to the commandant of the company, for the use of such company; and the commandant of such company, shall receipt for such articles to the officer who purchased the same, who shall cause all property by him purchased to be appraised by three respectable persons, on oath or affirmation, before the same shall be sent away, and shall give the person from whom any article may have been purchased, a receipt therefor, together with a certificate of the appraised value, signed

by the appraisers; and the person from whom such property may have been purchased, shall be entitled to receive for said property the amount of such appraisement, and the territorial treasurer, on the receipt of such appraisement, shall issue bills, as in other cases, in favor of the person or persons entitled to the same; and the treasurer of the Territory shall pay the amount of such bills out of any monies in the treasury not otherwise appropriated; and when the public shall have no further necessity for said property, the governor shall direct the same to be disposed of, and shall cause all monies arising from the sale thereof, to be paid into the territorial treasury, and the treasurer's receipt to be taken therefor; which receipt shall be filed in the secretary's office. Whenever public property shall be placed in the care of an officer, such officer shall be accountable for all losses sustained by his misconduct

## [ 47 ]

or neglect; and the adjutant-general shall prosecute a suit against such offender, and recover damages for the use of the Territory, unless such damage is paid on demand; and all monies thus received, shall be paid into the territorial treasury, as above directed.

§ 50. *Be it further enacted*, That when detachments of militia are called into actual service, and cannot otherwise be provided with rations, forage, &c. the commanding thereof shall appoint a purchasing commissary, who shall, before he enters on the duties of his appointment, take and subscribe the following oath or affirmation: "You, A. B. do solemnly swear (or affirm, as the case may be) that you will purchase and provide provisions for the detachment, under the command of \_\_\_\_\_ on the best terms for the public, that the exigencies of the case will allow of, and in all respects perform, according to the best of your judgment and abilities;" and such purchasing commissary shall procure provisions, forage, &c. for said detachment, until they can be furnished by

Purchasing  
commissary  
appointed.

a regular contractor or purchasing commissary, and shall give receipts to all persons from whom he may procure provisions as aforesaid, stating therein the quality, quantity and price of the articles thus purchased, together with a pertinent designation of the detachment for whose use such purchase may have been made; and such purchasing commissary, on the close of the tour of the detachment for which he may be appointed, or when his appointment shall or may cease, shall forthwith transmit to the treasurer of

[ 48 ]

the Territory a correct account of his purchases, and the number and amount of his receipts, given by him, and the person receiving such voucher shall apply to, and receive from the territorial treasurer, the amount thereof, in the same manner as is provided in the forty-eighth section of this act, in case of purchases; and the commandants of detachments as aforesaid, shall also appoint an issuing commissary, who shall likewise serve until superseded, and shall be governed by the rules and regulations of the armies of the United States, in such cases made and provided.

Volunteers  
to choose  
their of-  
ficers.

§ 51. *Be it further enacted,* That when any detachment of militia shall be called for, with a view to go into actual service, either under the authority of this Territory, or of the United States, if a number of men sufficient to form a company, to consist of from fifty to one hundred, shall volunteer their service from one battalion, regiment, brigade, or division, they are hereby authorized to choose by ballot officers for said company, at such time and place as the commanding officer of such battalion, regiment, brigade, or division, shall direct; at which time and place the commanding officer aforesaid shall attend, and take to his assistance two persons, who, together with himself, shall be judges of such election, who shall certify to the persons having the highest number of votes, that they were duly elected and chosen offi-

cers of said companies; and in like manner, when a sufficient number of companies shall so volunteer, in any brigade or division within this Territory, to form a

[ 49 ]

battalion or regiment, the company officers chosen as aforesaid are hereby authorized to choose, in like manner, their major; and if two battalions shall so volunteer, the company officers, with the majors, in like manner may choose their colonel, at such time and place as shall be appointed by the general of division, or commander in chief; and in like manner, if two complete regiments shall volunteer their services, as a part of the detachment required of this Territory, they are in like manner authorized to choose their general of brigade, at such time and place as the commander in chief may direct, under the superintendance of such person or persons as he may appoint; and the certificate of the officers and judges who presided at such election, shall be sufficient authority to the officers thus elected, and shall supersede the necessity of any further commission for such tour of duty.

§ 52. *Be it further enacted,* That when any person shall volunteer his service, and perform a tour of duty, such services shall be recorded by the clerk of the regiment, and credited to such person as a tour of duty in the proper class to which he belonged at the time he entered on said tour of duty.

§ 53. *Be it further enacted,* That if any non-commissioned officer or private, shall desert whilst he is on a tour of duty, and shall not be apprehended, and return to join his company, if a private, he shall be fined not less than one hundred nor more than one hundred and fifty dollars, and be obliged to march on the next tour of duty under the same penalties as the first; if a

Desertion how  
punished.

G

[ 50 ]

non-commissioned officer, he shall be degraded and placed



in the ranks, shall pay a fine not less than one hundred and fifty, nor more than two hundred dollars, and be obliged to serve another tour, as a private; and it shall be the duty of all commissioned officers in this Territory, to apprehend all non-commissioned officers and privates, belonging to any detachment of this Territory then in service, who has not a written furlough, signed by the commandant of his company, and countersigned by the commandant of the detachment.

Persons notified to march on a tour and refusing, punished by fine or imprisonment.

§ 54. *Be it further enacted*, That if any non-commissioned officer or private, being legally notified, shall neglect or refuse to march on any tour of duty, armed and equipped as by this act required (unless such person shall be notified that arms will be otherwise furnished) he shall forfeit and pay, for every such offence, a sum of twenty dollars, for each and every month he is by law required to serve on such tour; and it shall be the duty of the commandant of the company to which such delinquent belongs, within three days thereafter, to certify the same to the commandant of the proper regiment or battalion, who shall within ten days after receiving such notice, order and cause to convene a board of five commissioned officers, and shall give five days notice of the meeting of such board, by written advertisement, set up within the bounds of the company where such delinquent did reside when notified, who shall hear and determine of such delinquencies; and they shall assess the penalty aforesaid on each

[ 51 ]

and every such delinquent, who does not render to them a sufficient excuse for such delinquency; and it shall be the duty of the clerk of the regiment to attend such board and record all their proceedings; and in case of the absence or inability of such clerk to attend the board, they shall appoint a clerk pro tem. who shall perform the duties aforesaid; and when said board shall have assessed any such fine, the commanding officer of the regiment or bat-



talion, shall issue his warrant, directed to the sheriff or coroner of the county in which such delinquent resides or his property may be found, commanding him to levy and collect said penalty from the goods and chattles of such delinquent, after giving such notice thereof as is required by law for the sale of property in other cases, and for want thereof to take the body of such delinquent and commit him to the common jail of the county, where he shall be kept in close confinement, unless the penalty and costs of imprisonment shall be paid: *Provided*, That such person may be released from confinement, upon his making oath or affirmation before some justice of the peace, that he is unable to pay the fine assessed as aforesaid, and that he has not secreted, made over, or conveyed away any of his property, either directly or indirectly, for the purpose of evading the law, and that he has not property to pay such fine; and if the person making oath or affirmation as aforesaid, shall wilfully depose or affirm any matter to be a fact, knowing the same to be false, or shall in like manner deny any fact, knowing the same to be true, he shall

Proviso.

[ 52 ]

be deemed guilty of perjury, and upon conviction thereof, shall be punished accordingly as in other cases: *And provided also*, That the commanding officer of the regiment or battalion, may at any time thereafter, order and cause to be issued, a process against the goods and chattles of the person so discharged from imprisonment, for the amount of such fine and costs, in the same manner as is directed by the foregoing provisions of this section; which warrant shall be made returnable to the clerk of the regiment in sixty days from its date; and in case such warrant shall be returned unsatisfied, for want of property, or the body of the delinquent, the commanding officer may from time to time issue new warrants, in like manner, until the same shall be satisfied.

§ 55. *Be it further enacted*, That the warrant to be

Form of the  
warrant.

issued, agreeably to the preceding section, shall be as near as the case will admit of, in the following form: "Indiana Territoy \_\_\_\_\_ county, ss. To the sheriff of said county, greeting: Whereas at a board of officers of the \_\_\_\_\_ regiment of the \_\_\_\_\_ brigade of the \_\_\_\_\_ division of Indiana militia, convened at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ to hear and determine of delinquencies, a fine of \_\_\_\_\_ dollars was by the judgment of said board assessed upon A.B. a sergeant, corporal, or private (as the case may be) of the \_\_\_\_\_ company of said regiment, for neglect of duty, as appears of record, wherefore execution remains to be done; you are therefore commanded, that of the goods and chattles of

[ 53 ]

the said A.B. within your bailwick, you cause to be levied and made the said sum of \_\_\_\_\_ dollars, together with your own fees for collection; and for want of sufficient goods and chattles you are commanded to take the body of the said A.B. if he may be found in your bailiwick, and him commit to the jail of said county, there to remain until the fine and fees aforesaid are paid, or he be otherwise discharged by due course of law; and the fine aforesaid, when collected, you are to pay unto the paymaster of the regiment, taking his receipt therefor, and make return of this writ, with your doing thereon, to the clerk of the regiment, within sixty days from the date. Given under my hand and seal at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_."

Fine when  
collected  
where paid.

§ 56. *Be it further enacted*, That if any non-commissioned officer or private shall absent himself from the bounds of his company district, whereby he shall evade a draft or tour of duty, he shall be notified immediately upon his return, to hold himself in readiness to march on the next tour; and if he shall neglect or refuse to perform the next tour of duty, after being notified of the time and place of rendezvous, which notice may be given by leaving a written notification at his last place of resi-

Absenting to  
evade a draft,  
how dealt  
with.

dence in said company district, in case he cannot be found, he shall be subject to the same penalty as is inflicted by the fifty-fourth section of this act; which shall be collected in the same manner.

§ 57. *Be it further enacted*, That when any sheriff or coroner shall collect any such

[ 54 ]

penalty, he shall immediately pay the same to the paymaster of the proper regiment, and take his receipt therefor, on the back of the warrant, and return the said warrant to the clerk of the regiment, with his doings thereon, as commanded; and in case any sheriff or coroner shall neglect or refuse to serve such warrant, or make return of the same, or to pay over any money by him thereon collected as aforesaid, the clerk of the regiment shall make a motion, in writing, to the next court of common pleas, in the proper county, against such sheriff or coroner, setting forth the facts of the case: *And provided*, said sheriff or coroner shall have four days notice thereof, and a copy of such motion. The court shall, at the same time, proceed to render judgment against such sheriff or coroner for the amount of the warrant, with twenty-five per cent. penalty and interest; and the records of said board of officers, and the testimony of the clerk or paymaster, or other parol evidence of such delinquency, shall be sufficient for said court to render judgment upon, from which judgment there shall be no appeal.

§ 58. *Be it further enacted*, That all fines collected from persons legally enrolled in any company, neglecting or refusing to perform a tour of duty, shall be paid into the hands of the paymaster of the regiment, and by him placed to the credit of the proper company from which such fines were collected; and where the commandant of a company shall be required to furnish his quota and draft, he shall, if practicable, hire substitutes to make up any deficiency which

Penalty when collected to be paid to the paymaster.

Commandant of a company to hire substitutes to the amount of fines in his hands.

[ 55 ]

may happen from the refusal of any person drafted to perform a tour of duty, to the extent that the funds in the hands of the paymaster, in his favor, will justify it: *Provided*, that he shall not in any case give more than twenty dollars per month for a substitute; and in case substitutes cannot be procured to make up such deficiency, the commandant of such company shall proceed to draft until his quota is furnished, and so on in succession until his company is gone through; and when all the men in his company have been called on to perform a tour of duty, the commandant of such company shall certify the same to the commandant of the regiment; and the commandant of such company shall not again be required to furnish any quota of men by draft, until all the companies in the regiment are in like manner gone through, and all the privates therein have been called upon to perform a tour of duty.

§ 59. *Be it further enacted*, That if any suit or suits shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the defendant may plead the general issue, and give this act and the special matter in evidence.

Superior of-  
ficer may  
arrest.

§ 60. *Be it further enacted*, That a superior officer may at his own discretion, arrest any officer under him; or should any commissioned officer lodge a complaint with a superior officer, which in his opinion is sufficient cause for an arrest, such superior shall cause the officer against whom such complaint is made to be arrested; and when any officer is arrested as aforesaid, the officer whose duty it is made so to arrest, shall

[ 56 ]

notify the officer, in writing, that he is suspended from command until acquitted from such arrest, stating the ground of arrest, and the time and place of trial; and at the same time notify the officer next in command, that, in consequence of such arrest, he is required to perform



the duties which were enjoined on the officer so arrested.

§ 61. *Be it further enacted*, That in all cases where an officer is arrested, the officer who orders the arrest, shall issue any summons that may be applied for by either of the parties, or which he may think necessary to compel the attendance of witnesses; and the party so applying, or any person whom the officer granting such summons may appoint, may serve the same, and endorse the time of service thereon, which shall be at least three days previous to the setting of the court martial, and shall make a return thereof to the president of said court, the first day thereof, who shall administer an oath or affirmation to the person returning the summons, relative to the service thereof. Any person who neglects or refuses to attend to a court martial, after being duly summoned, shall be fined in a sum not exceeding fifty dollars; which fine shall be collected and applied as other fines under the provisions of this act; and any court martial shall have power to issue compulsory process to compel the attendance of any witness who neglects or refuses to attend, after being duly summoned.

Officer ordering the arrest shall issue any summons applied for by the parties.

§ 62. *Be it further enacted*, That the commander in chief shall order general courts martial, where a major general presides;

Court martials, who shall order the same.

[ 57 ]

division courts martial shall be ordered by the commandant of the division, where a brigadier general shall preside; brigade courts martial shall be ordered by the commandant of brigade, where a colonel shall preside; regimental courts martial shall be ordered by the commandant of the regiment, where a major shall preside: each court martial shall consist of not less than five nor more than thirteen members, and to be of rank as near as may be to the rank of the officer who is to be tried; all courts martial shall according to their rank, have power to punish any officer for neglect of duty, by suspension, fining, cashiering and disqualification to hold any office in the militia of this Territory.



§ 63. *Be it further enacted*, That any officer ordering  
 Judge advo- a court martial shall appoint some suitable person to act  
 cate. as a judge advocate, who, before he enters on the duties  
 His oath. of his appointment, shall take the following oath, to be  
 administered by the president of the court: "You A.B.  
 do swear, that you will not disclose or discover the vote  
 or opinion of any particular member of the court martial,  
 unless required to give evidence thereof as a witness by  
 a court of justice, in due course of law, nor will divulge  
 the sentence of the court to any but the proper authority,  
 until it shall be duly disclosed by the same, so help you  
 God"; and the judge advocate, or person acting as such,  
 His duties. shall administer the following oath to each member of  
 such court martial: "You A.B. do swear that you will  
 truly try and determine, according to evidence, the matter  
 now before you, between the Indiana Territory and the per-

H

[ 58 ]

son to be tried, and that you will truly administer justice, according to law, without partiality, favor or affection, according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear, that you will not divulge the sentence of the court, until it shall be published by the proper authority, neither will you disclose or discover the vote or opinion of any particular member of the court, unless required to give evidence thereof as a witness by a court of justice in due course of law, so help you God." The person acting as judge advocate, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the person accused as to object to any leading questions being put to the prisoner, or any witness, the answer of which might tend to criminate himself; all the members of the court martial are to behave with decency and calmness, and in giving their votes to begin with the youngest in commission; all persons who give

evidence before a court martial or court of enquiry, are to be examined on oath or affirmation, in the following manner: "You do swear (or affirm, as the case may be) that the evidence you shall give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth, so help you God."

§ 64. *Be it further enacted*, That the party tried by a court martial shall be entitled to a copy of the sentence and proceedings of such court martial, after the decision or the sentence, upon demand thereof made by himself or any person or persons

Officers may pardon or mitigate the sentence of a court martial.

[ 59 ]

in his behalf, whether such sentence be approved or not.

§ 65. *Be it further enacted*, That the commanding officer for the time being, shall have full power of pardoning or mitigating any censures or penalties, ordered to be inflicted upon any private or non-commissioned officer, for the breach of the provisions of this act, by a court martial; and every offender, convicted as aforesaid by any regimental court martial, may be pardoned or have the penalty mitigated, by the colonel or commanding officer of the regiment, excepting only where such censures or penalties are directed as satisfaction for injuries received by an officer or private, from another; but in case of officers, such sentence to be approved of by the commander in chief of the militia, who is empowered to pardon or mitigate such sentence, or disapprove of the same.

§ 66. *Be it further enacted*, That no court of enquiry shall be appointed to enquire into the conduct of any officer, except by the commander in chief, or a major general, unless demanded by the accused; all courts of enquiry shall consist of three officers, to be of rank as near as may be to the rank of the officer whose conduct is to be enquired into, and a judge advocate or other suitable person, as recorder to reduce the proceedings and evidence to writing; all of whom shall be sworn to the faithful and impartial performance of their duty: courts of

Court of enquiry appointed by the commander in chief at request of the party accused.

enquiry shall have the same power to summon witnesses as courts martial, and to examine them on oath; but they shall not give

[ 60 ]

their opinion on the merits of the case unless they shall be expressly required so to do by the officer ordering the same; the proceedings of a court of enquiry shall be signed by the president, attested by the judge advocate or recorder, and delivered or transmitted to the officer ordering the same; the judge advocate or recorder shall administer to the members of the court of enquiry the following oath: "You, and each of you, do swear, that you will well and truly examine and enquire, according to evidence, into the matter now before you, without partiality, favor, affection, prejudice or hope of reward, so help you God;" after which the president shall administer to the judge advocate or recorder, the following oath: "You do swear, that you will, according to the best of your abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing, so help you God."

Comman-  
dants of regi-  
ments or bat-  
talions ne-  
glecting to as-  
semble his re-  
giment or  
battalion, how  
fined, &c.

§ 67. *Be it further enacted*, That if any colonel or commandant of any regiment or battalion, shall neglect or refuse to give orders for assembling his regiment or battalion, at the direction of the commandant of the brigade to which he belongs, or in case of an invasion or insurrection in this Territory, he shall be cashiered, or punished by fine, not exceeding five hundred dollars, at the discretion of a court martial; and if a commissioned officer of the company shall on any occasion neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the commandant of the regiment or

[ 61 ]

battalion to which such company belongs, he shall be cashiered, and punished by fine, not exceeding two hun-

dred dollars, at the discretion of a court martial; a non-commissioned officer in such case shall be fined at the discretion of a regimental court martial, in any sum not exceeding thirty dollars.

§ 68. *Be it further enacted*, That if any field or other commissioned officer, at any regimental review, or any other occasion, when the regiment, battalion or company to which he belongs, or in which he may hold a command, is paraded in arms, shall misbehave or demean himself in an unofficerlike manner, he may for any such offence be cashiered, or punished by fine, at the discretion of a court martial, as the case may require, in any sum not exceeding eighty dollars; and if any non-commissioned officer, musician or private shall, on any parade of the company to which he belongs, misbehave or disobey orders, or use any reproachful or abusive language to his officers, or any of them, or quarrel, or promote any quarrel among his fellow-soldiers, he shall be immediately disarmed or put under guard, by the commanding officer or officers present, until the company is dismissed, and may be, by a court martial, fined in a sum not exceeding thirty dollars, nor less than three dollars.

Officers for unofficer like behavior, how punished.

Non-commissioned officers and privates do.

§ 69. *Be it further enacted*, That if any non-commissioned officer or private shall think himself injured by his colonel or commanding officer of the regiment, and shall, upon due application made to him, be refused redress, he may complain to the briga-

May appeal.

[ 62 ]

dier general, who shall direct three commissioned officers to enquire into the nature of the complaint; and if they report that the person complaining, in their opinion has been injured, the brigadier general shall then direct the brigade inspector, at a certain time and place, to summon a court martial for the purpose of doing justice to the person complaining, and shall also direct the brigade inspector to give the person complained of at least eight days previous notice of the time and place of the



meeting of any such court martial, together with a copy of the charges exhibited against him; and if any non-commissioned officer or private shall think himself injured by his captain or other superior officer in the battalion, troop or company to which he belongs, he may complain to the commanding officer of the regiment, who shall cause his adjutant to summon a regimental court martial for doing justice according to the nature of the case.

Commander  
in chief to  
have regard  
to previous  
service.

§ 70. *Be it further enacted*, That the commander in chief shall, when calling the next detachment of militia from this Territory, whether under a call of the United States or this Territory, have a special regard to that of volunteers and militia which have heretofore served a tour of duty or have been legally called into service, and if it shall appear from an accurate calculation that a greater number have served a tour of duty or have been called into service than the correct proportion which any regiment was bound by law to furnish, a credit shall be given to such regiment at the time of calling out the next draft, and the number thus

[ 63 ]

credited shall be made up from such regiments as may have been deficient; and the same principle shall be pursued by the commandants of divisions, brigades, regiments, battalions and companies; and if hereafter, on a call of the militia, either under the authority of the United States or this Territory, a greater number shall volunteer their service, and be accepted, than the number required from any division, brigade, regiment, battalion or company, on the succeeding call a like credit shall be given; and in case of a draft, the commander in chief, and all militia officers, shall cause both officers and privates under their respective commands to be called into service in their proper places as far as practicable.

§ 71. *Be it further enacted*, That all the public arms, ammunitions, accoutrements, camp equipage and military



stores belonging or loaned to any militia of this Territory, or which may hereafter belong or loaned to any division of the militia of this Territory, shall be under the care and superintendance of the quartermaster general of such division, who shall have power to employ suitable persons to clean and repair any arms or article which may require it, and certify any just and reasonable accounts which may be rendered for such cleaning or repairing, and for transporting such arms or military stores to any place where they may be ordered by the commander in chief, or commandant of division; which accounts, thus certified, shall be allowed by the treasurer, and paid as other accounts against the Territory are paid; he shall receipt for all articles deliver-

Arms and military stores, to be under the care of the quartermaster general of each division.

## [ 64 ]

ed to his charge, and shall account for the same at any time when called on so to do by the commander in chief or commandant of divisions.

§ 72. *Be it further enacted*, That the militia of this Territory, when in actual service, shall be subject to the same rules and regulations as the armies of the United States, and shall receive the same pay and rations: *Provided*, Upon any transgression of either officer or private against such rules and regulations, the cause shall be tried and determined by a court martial of the militia officers of this Territory only, if practicable to convene the same.

Subject to the same rules and regulations as the armies of the U. States.

§ 73. *Be it further enacted*, That when any necessary expences shall accrue in carrying into effect the provisions of this act, for the payment of which no provision is herein before made, the same shall be paid out of the contingent fund, upon the order of the commander in chief.

§ 74. *Be it further enacted*, That all that part of the fourth regiment which is in the bounds of Knox county, shall be and it is hereby attached to the first battalion of the first regiment; and the commandants of companies

thus attached, are hereby directed to make their reports to the commandant of the first regiment; and the commandant of the fourth be and he is hereby directed to pay over to the paymaster or commandant of the first regiment, all monies that have been collected, or which may hereafter be collected, off the companies aforesaid, for neglect of duty heretofore.

[ 65 ]

Colonels to  
pay over  
monies to the  
paymaster.

§ 75. *Be it further enacted*, That so soon as there may be paymasters appointed to the different regiments within this Territory, it shall be the duty of the colonels or commanding officers of regiments, to pay over all monies that may remain in their hands as treasurer of the regiment, under a former law of the Territory; and any colonel or treasurer as aforesaid, failing to comply with the provisions of this and the preceding section, shall forfeit and pay to such regiment, the sum of two thousand dollars, to be recovered by motion in any court of record, in the county where such colonel or treasurer may reside.

Penalty.

Officer resign-  
ing shall deli-  
ver to his suc-  
cessor books,  
papers, &c.

§ 76. *Be it further enacted*, That when any commandant, or staff officer, shall resign or go out of office, it shall be his duty to deliver to his successor all the books, papers and records that may be in his care or possession, relative to said office; and any person failing to comply as aforesaid, shall pay any sum not exceeding five hundred dollars, nor less than one hundred dollars, to be recovered in any court of record in this Territory, at the suit of the commandant of the regiment.

Former  
laws repealed.

§ 77. *Be it further enacted*, That all laws and parts of laws that come within the purview of this act, be and the same are hereby repealed: *Provided always*, That nothing in this act shall be so construed as to prevent the recovery of any fine or fines which may have been incurred under the former law; but all offences heretofore committed against said law, shall be proceeded against, and fines incurred shall be recover-

## [ 66 ]

ed in the same manner as if the law had not been repealed; and in all cases where fines may heretofore have been assessed, but which remain unpaid, it shall be lawful for the commandants of the regiments in the limits of which such fines may have been incurred, at any time, to appoint any collector or collectors, as may seem to him proper, who shall proceed in the same manner as collectors appointed under the former law. This act shall take effect and be in force from and after the first day of June next.

§ 78. *And be it further enacted,* That all officers or privates failing to perform the several duties enjoined on them by this act, not subject to any penalty heretofore prescribed, shall be fined in any sum not exceeding fifty dollars, at the discretion of the proper court martial, to be appropriated as other fines are; any law to the contrary notwithstanding.

Officers or privates not bound by former penalties how dealt with.

§ 79. *Be it further enacted,* That it shall be the duty of the paymaster of the first regiment, annually, to pay over all the money that may remain in his hands to the sheriff of Knox county, as treasurer of said county, who shall account to the circuit court for the same; and it shall be the duty of the said court to appropriate the said money to and for the use of some public seminary or school, at such time and in such manner as they may deem proper: *Provided however,* That nothing shall be so construed, as to compel the paymaster aforesaid to pay over

Duty of the paymaster of the first regiment.

## [ 67 ]

any money, until the demands against said regiment are satisfied.

ISAAC DUNN, *Speaker*  
of the *House of Representatives.*  
JAS. BEGGS, *President*  
of the *Legislative Council.*

JANUARY 3, 1814—APPROVED,

TH. POSEY.



# INDEX

## TO THE MILITIA LAW.

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ARMS exempt from distress,.....	Page 4
—— and military stores, under whose care,.....	63
Artillery company, of whom composed,.....	21
Adjutant-general, his duties,.....	36
—— ——— his allowance,.....	38
Adjutant, his duty,.....	37
Absenting to evade a draft,.....	53
Appeal, .....	61
Brigade districts, how made or altered,.....	19
—— Inspector, his duty,.....	37
—— ——— his allowance,.....	38
Commissions to designate rank,.....	5
Corps, how to be numbered,.....	6
—— of what to consist,.....	6
—— volunteer, how raised,.....	20
Colonels, how elected,.....	9
—— pay over monies to the paymasters,.....	65
Corporals, how appointed,.....	14
Colors, how provided,.....	14
Company remotely situated, how to exercise,.....	18
—— light, how to do duty,.....	39
—— commandant of, to hire substitutes,.....	54
Conscientiously scrupulous, .....	25
Court of enquiry and assessment of fines,.....	30
—— of appeals,.....	31
Commandants of battalions, to hold court of enquiry,.....	31
—— of regiments, to hold do.....	31
Clerks of regiments, their duties,.....	34
Commissary, how appointed,.....	47
Courts martial, who shall order the same,.....	56

[ 70 ]

Court of enquiry appointed by commander in chief at request of the party accused,.....	59
Commandant of corps, neglecting to assemble his corps, how fined, .....	60



428 INDIANA HISTORICAL COLLECTIONS

Commander in chief, have regard to previous service,..... 62  
 Duty, who shall perform the same,..... 1  
 ——— of the paymaster of the first regiment,..... 66  
 Delinquencies, penalties for,..... 27  
 Detachment, how organized,..... 43  
 ——— furnished with waggons, &c..... 45  
 Desertion, how punished,..... 49  
 Elections, how contested,..... 11  
 ——— who eligible,..... 11  
 ——— of officers, how certified,..... 15  
 Exempts, persons wishing to be,..... 24  
 ——— who shall be exempt,..... 25  
 Fathers and Guardians, bound for fines,..... 29  
 Fines, how collected,..... 32  
 ——— when collected, where paid,..... 33, 53  
 Former law repealed,..... 65  
 Infantry, light, company, how composed,..... 22  
 Judge advocate, his oath and duties,..... 57  
 Incapacity, removed for,..... 12  
 Majors, how elected,..... 8  
 Militia, when enrolled,..... 1  
 ——— how notified, ..... 1  
 ——— when and how armed,..... 4  
 ——— how officered, ..... 6  
 ——— how called into service,..... 38  
 ——— classed, ..... 40  
 Musters, by company, battalion or regiment,..... 18  
 ——— drill, for brigade, when,..... 17  
 ——— places of, by whom appointed,..... 18  
 ——— when to appear at muster,..... 23  
 Officers, field, how armed,..... 4  
 ——— general, how uniformed,..... 10  
 ——— shall serve five years,..... 12  
 ——— staff, their rank,..... 13  
 ——— non-commissioned unable to equip,..... 30  
 ——— negligent in furnishing quota,..... 40  
 ——— serve on tours agreeable to the dates of their  
 commissions, ..... 41

[ 71 ]

Officers, staff, to take tours with their respective officers,.... 42  
 ——— ordering arrest, shall issue process,..... 56  
 ——— may pardon or mitigate the sentence of a court  
 martial, ..... 58  
 ——— for misbehavior, how punished,..... 61

————— non-commissioned officers and privates, how punished, .....	61
————— resigning, deliver to his successor books and papers, .....	65
Privates unable to equip, .....	30
Paymaster, his duty, .....	37
Penalties for delinquencies, .....	27
————— for appearing without arms, .....	28
Property exempt from distress, .....	44
————— private, appraised when rendezvoused, .....	44
Person exempt from arrest, when notified to march, .....	44
Pack horses to be purchased, if they cannot be hired, .....	46
Penalty, when collected, paid to the paymaster, .....	33
Roll, when to be called, .....	23
Returns, how made, .....	23
Regimental districts, how made or altered, .....	19
Returns, when made, .....	34-5
Rules and regulations, .....	64
Sergeants, how appointed, .....	14
Superior officers may arrest, .....	55
Soldiers, how accoutred, .....	4
————— may serve by substitute, .....	41
Troop of horse, of whom composed, .....	22
Tour, how long, .....	42
Vacancies, how filled, .....	7
Volunteer corps, how raised, .....	20
————— how officered, .....	20
————— when to be equipped, .....	21
————— to choose their own officers, .....	48
Warrant, form of, .....	52



## CHAPTER II.

*An ACT to dissolve the marriage of David Barker with Paulina Barker his wife.*

WHEREAS David Barker, of Jefferson county, by his petition, hath represented to the legislature, certain facts, as causes of divorce, and this legislature being fully convinced that the facts set forth in the said petition are true, and that the act entitled "an act regulating divorces within the Indiana Territory," approved March the eighth, eighteen hundred and thirteen, furnishes no relief for said petitioner: therefore,

§ 1. *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the marriage of the said David Barker, with his wife, the said Paulina Barker, formerly Paulina Moshier, be and the same is hereby dissolved and declared to be null and void, as fully and effectually, to all intents and purposes, as if the said contract of marriage had never been entered into by them.

JAMES NOBLE, *Speaker*  
of the House of Representatives  
JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 14, 1813—APPROVED,

TH. POSEY.

K

[ 74 ]

## CHAPTER III.

*An ACT appointing commissioners to fix the seats of justice in the counties of Gibson and Warrick.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That John Ochletree, Abel Westfall, William Polk, Robert Elliott, and William Prince, all of Knox county, be, and they are hereby appointed

Commissioners, who, and where to convene in Gibson.

commissioners, for the purpose of fixing the seats of justice in the counties of Gibson and Warrick; whose duty it shall be to convene at the house of John M'Junkin, in Gibson county, on the first Monday in February next, and proceed to fix the seat of justice in the county of Gibson, in conformity with, and in all respects agreeably to an act passed at the last session of the legislature, entitled "an act for fixing the seats of justice in all new counties hereafter to be laid off."

Where to convene in Warrick.

§ 2. *And be it further enacted*, That the aforesaid commissioners shall immediately after they may have fixed the seat of justice in Gibson county, repair to Warrick county, to the mill of Jonathan Anthony, and proceed to fix the seat of justice in the same, in the same manner as is provided in the first section of this act for fixing the seat of justice in Gibson county.

Sheriff of Knox county, his duty.

§ 3. *And be it further enacted*, That the sheriff of Knox county be and he is hereby required to serve the aforesaid commissioners with a notice of their said appointments, on or before the twentieth day of January

[ 75 ]

next; for which service he shall be allowed such compensation as the courts of common pleas in the counties of Gibson and Warrick may deem reasonable, to be allowed and discharged in the same manner that other county claims are: *Provided however*, That if any of the said commissioners should be disqualified to act as commissioners by the said act for fixing the seats of justice, &c. the said courts of common pleas, in the said counties of Gibson and Warrick, or either of them, shall have power to appoint others to supply such vacancy.

JAMES NOBLE, *Speaker*  
of the House of Representatives.

JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 14, 1813—APPROVED,

TH. POSEY.

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## CHAPTER IV.

*An ACT for the relief of David Hillis, late lieutenant colonel of the sixth regiment.*

WHEREAS David Hillis hath represented to this legislature, that in the spring of 1812, an almost universal alarm existed within the county of Jefferson, and that many were moving away, believing that in a few days the Indians would make a fatal blow on the frontiers of said county; that he thought it prudent to call out about forty of the militia, who continued in service seventeen days, and that he was obliged to contract for provision to supply those men, for which he prays relief: therefore,

[ 76 ]

§ 1. *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the paymaster of the sixth regiment, under the direction of the colonel commandant thereof, on sufficient vouchers being produced to them of the provisions purchased and expended in said service, pay out of the fines of said regiment to the said David Hillis, the amount of his expenditure, and that the first monies in the regimental funds be appropriated for that purpose: Provided however, That it shall be the duty of the said David Hillis regularly to forward to the secretary at war the rolls and subsistence accounts of said corps; and if upon so doing the said David Hillis be remunerated for the provisions so bought, that then the provisions of this act shall not be extended to him, but shall be null and void, and having received any monies in consequence of this act, he shall refund the same into the treasury of the regiment.*

JAMES NOBLE, *Speaker*  
*of the House of Representatives.*  
 JAS. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 16, 1813—APPROVED,

TH. POSEY.

## CHAPTER V.

*An ACT for the benefit of Edmond Hogan and Thomas Neely.*

WHEREAS it has been represented to this legislature, that Edmond Hogan and

[ 77 ]

Thomas Neely, are about erecting a bridge across Patoka river, at the place where the Saline road crosses the same; and whereas it is further represented, that said bridge will be of great public utility, and that the land where said bridge is erecting is the private property of the said Hogan and Neely.

Toll bridge.

§ 1. *Be it enacted by the Legislative Council and House of Representatives,* That so soon as the owners of said bridge shall have said bridge completed, in a good and sufficient manner, that the same shall be considered a toll bridge, the profits whereof shall be for the benefit of the owners of said bridge, so long as they shall keep the same in good repair.

Court to fix the rates of toll.

§ 2. *Be it further enacted,* That the court of common pleas in and for Gibson county shall have power from time to time to fix the rates of toll on said bridge as to them shall appear reasonable and just.

Owners enter into bond.

§ 3. *Be it further enacted,* That the owners of said bridge shall, previous to their taking toll for the same, enter into bond and security as the law directs in case of ferrymen, and shall in all other respects be governed by the law regulating ferries in the Indiana Territory, except that the bridge shall be used in place of a ferry boat.

Court shall not have the power to erect a bridge, &c.

§ 4. *And be it further enacted,* That the court of common pleas of the county of Gibson, shall not have the power of erecting a bridge across Patoka, on any part of the quarter section of land now owned by the said Hogan and Neely, adjoining the town of Columbia, on

Patoka: *Provided however*, That nothing herein contained shall

[ 78 ]

be so construed as to authorize the said owner or owners to stop or intercept the navigation of the said Patoka river.

JAMES NOBLE, *Speaker*  
of the House of Representatives.  
JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 16, 1813—APPROVED,  
TH. POSEY.

## CHAPTER VI.

*An ACT authorizing the judges of the courts of common pleas to hold special courts for the purposes therein named.*

§ 1. *BE enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That at the request of any person or persons imprisoned for any criminal offence, cognizable by the court of common pleas, it shall be the duty of the several sheriffs of this Territory, within three days after such request, to notify the judges of said court of the same; and the judges, or two of them so notified, shall attend at the court house, on a day certain, to be named by the sheriff, within ten days from the time of such request; then and there to have the prisoner brought before them, to have his trial, according to the common and statute laws of the Territory.

How such  
court to be  
called.

§ 2. *Be it further enacted*, That the sheriff having notified the judges, and appointed the day of court as aforesaid, shall immediately proceed to summon a grand jury,

Sheriff sum-  
mon a grand  
jury.

to enquire into the offence for which the person has been committed, as also all other offences exhibited against him, her or them; and should the grand jury find a bill or bills of indictment, against such person or persons, then the sheriff shall proceed immediately to summon a jury, *de circumstantibus*, or wheresoever they may be found, who shall pass between him and his country, and whose verdict shall have the same effect and efficacy as in courts heretofore established, which courts shall transact business according to the powers vested by this law.

Sheriff failing, penalty.

§ 3. *Be it further enacted*, That for every failure of the sheriff in notifying the courts as above, he shall be fined not less than three hundred nor more than five hundred dollars, at the discretion of the court; and every juror and witness, being duly summoned as in other cases, and failing to appear, shall be dealt with as in other cases provided by law: *Provided always*, That any person so confined, shall be entitled to the benefit of the writs of *habeas corpus*, at any time before such special court; and having availed himself of the benefit thereof, and being discharged by the judge or judges, that then the proceedings, preparatory to the special court aforesaid, shall stop, and no costs shall accrue thereon.

Benefit of the writs of habeas corpus.

Obstinately refusing to procure bail.

§ 4. *Be it further enacted*, That whenever it shall be the opinion of the sheriff, and such justice as shall have committed the person charged with an offence, that the person or persons so committed, could procure such bail as would be taken for his appearance, but obstinately refuses to procure the

same, that then the provisions of this act shall not be extended to such person or persons, but he, she or they shall remain in jail till court in course.

§ 5. *Be it further enacted*, That all persons being imprisoned for debt, within this Territory, being disposed

to claim the benefits of an act for the relief of persons imprisoned for debt, passed and approved 17th September 1807, by giving the sheriff the notice as directed in the first section of this act, it shall be his further duty to notify the judges of the court of common pleas, who are hereby required to attend at the time and place, and discharge such debtor as the law directs.

Extended to persons imprisoned for debt.

JAMES NOBLE, *Speaker*  
*of the House of Representatives.*  
 JAs. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 18, 1813—APPROVED,  
 TH. POSEY.

## CHAPTER VII.

*An ACT for the regulation of the town of Brookville.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same, That Benjamin Smith, Arthur Dixon, Joshua Harlan, William H. Eads, and James Knight, be, and the same are hereby appointed trustees of the town of Brookville, including the lots of land laid off, or to be laid off, by Amos But-*

Trustees, who appointed by law.

[ 81 ]

ler and John Allen, of Franklin, who shall hold their offices until the first day of January 1815, at which time it shall and may be lawful, and on the first day of January annually thereafter, for the free male citizens, residents of the town of Brookville, above the age of twenty-one years (free negroes, mulattoes and Indians excepted) who have resided in said town for the space of six months, and all other persons owning freehold estate in said town, and are residents, to elect and choose five trustees, who shall be freeholders, resident in said town; which elec-



tion shall be conducted by one of the late or then acting trustees, to be appointed by the board of trustees for that purpose. Ten days previous notice thereof shall be given by advertising the same in three at least of the most public places in said town; which advertising shall be done by the chairman of the late, or then acting trustees, and the return of the persons so elected shall be made to the clerk of said board, which shall be recorded in their books.

How in future  
elected.

§ 2. That vacancies occasioned by death, resignation, or otherwise, shall be supplied by elections to be made in manner herein before directed, on a day to be appointed by the remaining trustees, and return thereof made in manner herein before directed.

Trustees have  
power to im-  
pose taxes.

§ 3. The trustees shall have power to impose taxes on the citizens of said town, who shall be entitled to vote for trustees, and that the said taxes shall be apportioned agreeably to the property held by each citizen within said town: *Provided*, That the tax levied shall not exceed the sum of one dollar

L

[ 82 ]

and fifty cents per annum, on any one citizen. And any citizen of said town who has no visible property in said town, shall be taxed in any sum not exceeding seventy-five cents; and all lots and other property in said town, held by non-residents or others residing out of the said town, shall be taxed agreeably to the value of said property, in proportion as the citizens of said town are taxed.

Appoint a  
lister.

§ 4. That the trustees of said town shall have power to appoint a person to take in a list of the persons and taxable property in said town, and that the persons or person so appointed, shall, at such time as the trustees may direct, proceed to take in and list in a book, the list of the persons taxable, and the taxable property, and return the same to the chairman of the trustees; and the several lists of taxable property shall be given in by each

citizen upon oath; which oath the said person so appointed to take in the same, shall have power and authority to administer.

§ 5. *And be it further enacted,* That the said trustees shall have power and authority to regulate and repair the streets and alleys of said town, to remove nuisances and obstructions therein, and also to remove obstructions and nuisances therein at the expence of the person or persons who occasioned them, provided the person or persons will not remove them on receiving notice from the trustees aforesaid; and when such person or persons fail, after having notice given them, to remove such nuisances or obstructions, the trustees shall, on failure thereof, immediately have it done; and

Trustees  
may remove  
nuisances.

[ 83 ]

when done, the trustees of said town may proceed by warrant, before some justice of the peace of the town or county, for the recovery of such sum or sums of money as may accrue in the removal of such nuisances or obstructions in said town.

§ 6. *And be it further enacted,* That the trustees of said town shall have power and authority to make provision for the collecting and accounting for the taxes they are empowered by this act to levy, by appointing a collector and directing distress for delinquencies, and to make such rules and regulations, not contrary to the laws and ordinance for the government of the Territory, and constitution of the United States, as shall by a majority of them be thought necessary for the police of said town, and affix a penalty for the breach of any by-law committed by any person or persons, not exceeding ten dollars, to be recovered at the suit of the trustees, before any justice of the peace in said town or county, by action of debt, in the same manner that sums of like amount are now recoverable by law, together with costs of suit: *Provided always,* That before any by-law, enacted by the trustees of said town, shall have any operation, it shall

May appoint  
a collector and  
enforce obe-  
dience to by-  
laws.

be advertised for two weeks successively in the most public places in said town.

§ 7. That immediately after the close of every annual election of trustees, directed by this act, the powers of their predecessors shall cease; and the trustees so elected, shall be put in possession of the property, money, papers and records, which the trus-

[ 84 ]

tees whom they succeeded had possession of.

Collector enter  
into bond,

§ 8. *And be it further enacted,* That the collector to be appointed by the trustees as aforesaid, do enter into bond, with such security as may be approved of by said trustees, with a penalty in double the sum to be collected by him, payable to the said trustees and their successors in office, and with a condition for the faithful execution of his office; and that the collector shall have such powers to collect as may be given by the trustees, and have an allowance for collecting, six per cent.; and provided said collector does not make his collections, or pay over the same when collected, agreeably to the provisions of this act, on ten days previous notice being given, a judgment may be recovered against said collector, by the trustees, in any court of common pleas for the county of Franklin, for the full amount put into his hands to collect, and award execution thereupon.

Power to  
enact by-laws.

§ 9. *And be it further enacted,* That the trustees of said town shall have full power and authority to enact by-laws to prevent shooting at a mark or for sport, running or racing horses, within such parts of the streets, alleys, inlots, or within any part of the public square in said town, as the trustees may designate.

§ 10. *Be it further enacted,* That in all cases where a judgment shall be recovered by the provisions of this act, against a collector, in the court of common pleas for the county of Franklin, judgment shall be given for costs, with an attorney's docket fee,

[ 85 ]

should one be employed by the trustees, together with eight per cent. in damages.

§ 11. *Be it further enacted*, That the said trustees and their successors, or a majority of them, shall have power to erect a market-house in said town, on the public square, (if the judges of the court of common pleas for the county of Franklin shall consent to it) so soon as the population of said town shall be able to bear the expence, or the three-fourths of the citizens of said town entitled to vote for trustees shall signify it fairly by petition to the then acting trustees.

Erect mar-  
ket-house.

§ 12. *Be it further enacted*, That the said trustees shall have power to keep in good repair the public well in the said town, and make such regulations as may be requisite, and to pass by-laws, and affix a penalty, not exceeding ten dollars, for the police of the same, which shall be collected in the same manner as is directed in the sixth section of this act; and the expence for the keeping of the said well in repair, shall be defrayed by the citizens that draw water from said well, residing on the high ground in Brookville, on that part of it laid out by Jesse B. Thomas and others, to be paid as directed by the said trustees, and collected by the collector of the taxes to be appointed under this act.

Keep public  
well in repair.

§ 13. *And be it further enacted*, That all taxes and monies collected under the by-laws, and the authority of this act (except the twelfth section of this act) shall be applied towards the opening, repairing, and improving the streets and alleys in said town, and the building of a market-house, in the

Monies collec-  
ted how ap-  
propriated.

[ 86 ]

time and manner directed by this act, in the town afore-said: *Provided nevertheless*, That whenever it may be found convenient, that the citizens, or part of them, may work out their tax so assessed, by improving, repairing, or clearing out the streets or alleys, as may be directed

by the trustees of said town: *Provided also*, That such compensation as the said trustees may allow their clerk, and the person appointed to take in the list of taxable property, shall be deducted out of the monies collected under the authority of this act.

This act to take effect from and after the first day of February next.

JAMES NOBLE, *Speaker*  
of the *House of Representatives*.

JAS. BEGGS, *President*  
of the *Legislative Council*.

DECEMBER 18, 1813—APPROVED,

TH. POSEY.

## CHAPTER VIII.

*An ACT more effectually to prevent duelling.*

§1. *BE it enacted by the Legislative Council and House of Representatives*, That all officers in and belonging to the legislative department of government, who shall hereafter be elected, before they enter upon the discharge of the duties of their aforesaid office, the following oath, in addition to what is now by law directed, shall be administered to them: "That he or they (as the case may be) have neither directly nor

Officers of  
the legislative  
department,  
what oath.

[ 87 ]

indirectly given, accepted or knowingly carried a challenge, to any person or persons, to fight in single combat or otherwise, with any deadly weapon, either in or out of this Territory, since the first of February, in the year 1814; and that he or they will neither directly nor indirectly give, accept, or knowingly carry a challenge to any person or persons, to fight in single combat or otherwise, with any deadly weapon, either in or out of this Territory, during their continuance in office"; and upon



their refusing to take the oath aforesaid, their office shall be vacated, and shall be filled in the same manner as if they had resigned.

§ 2. *Be it further enacted*, That all officers in the executive department of government, as well civil as military, who shall hereafter be appointed and commissioned, shall, in addition to the oath already to be administered, take the oath prescribed in the first section of this act; and those who are not now directed by law to be sworn, shall also, before they enter upon the discharge of the duties of their aforesaid office, take the aforesaid oath; and upon their failing or refusing to take the aforesaid oath, their office shall be vacated, and filled in like manner as if they had resigned.

Executive department, what oath.

§ 3. *Be it further enacted*, That all persons in the judicial department of government, who shall hereafter be appointed and commissioned, shall, before they enter upon the discharge of the duties of their aforesaid office, take the oath prescribed in the first section of this act; and upon their failing or refusing so to do, their office shall be va-

Judicial officers, what oath.

[ 88 ]

cated, and filled in like manner as if they had resigned.

§ 4. *Be it further enacted*, That all and every person who may hereafter desire to practice as an attorney or counsellor at law, in any court in this Territory, in addition to the oath already by law to be taken by them, the oath prescribed in the first section of this act shall be administered to them; and upon their failing or refusing to take said oath, they shall not be permitted to practice as an attorney or counsellor in said court.

Attornies, their oath.

§ 5. *Be it further enacted*, That each and every person, who by virtue of the provisions of this act shall administer the oath prescribed in the first section of this law, to any person or persons, shall return a certified copy of such oath, mentioning therein the name of the person who took the oath and the nature of his office, to

Oath certified to the clerk of the court.

the clerk of the court of common pleas of the county where such oath is administered, within thirty days after the same shall be administered, to be by said clerk recorded in a book to be kept for that purpose; and if any person whose duty it shall be to comply with the requisitions of this section, shall fail to perform the same, he or they, upon conviction by indictment, shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars.

§ 6. *Be it further enacted*, That if any person shall take a false oath, under the preceding sections of this act, upon conviction thereof by indictment, he shall suffer all the pains and penalties of perjury.

## [ 89 ]

Persons prosecuted, who witnesses,

§ 7. *Be it further enacted*, That hereafter where any person shall be prosecuted for having sent or received a challenge, or of having fought a duel and having killed or wounded his opponent, the bearer of the challenge, or of the answer thereto, or the second or seconds, shall be exempt from any punishment or penalty therefor, and be considered, deemed and taken as competent witnesses on the said prosecution.

Persons going out of the Territory to fight, how dealt with.

§ 8. *Be it further enacted*, That if any citizen of, or person residing within this Territory, shall go into any State or Territory belonging to the United States, for the purpose of fighting a duel, and shall actually fight the same, shall upon conviction thereof by indictment, be fined in any sum not exceeding two thousand dollars, nor less than one hundred dollars.

Duty of persons having knowledge of challenges.

§ 9. *Be it further enacted*, That it shall be the duty of every person having knowledge of any other person or persons having sent or received a challenge to fight a duel, or in single combat, with any deadly weapon, immediately to go before some judge or justice of the peace, and upon oath give information thereof; and every person failing to give such information, upon conviction thereof,

shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars.

§ 10. *Be it further enacted*, That all fines assessed under this act, shall, when collected, be appropriated by the court of the county where the same may be assessed, to the use of the seminary of learning or public school, which may be established in said

Fines when  
collected how  
appropriated.

M

[ 90 ]

county, in such manner as the said court may deem proper.

§ 11. *Be it further enacted*, That so much of the law for the prevention of vice and immorality, as fixes a punishment upon the bearers of challenges, and so much of the said law as limits the prosecution of the offence of duelling to thirty days, be and the same is hereby repealed.

This act to take effect and be in force from and after the passage hereof.

JAMES NOBLE, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

DECEMBER 18, 1813—APPROVED,  
TH. POSEY.

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## CHAPTER IX.

*An ACT to amend the act regulating the Inspection of Flour, Beef and Pork.*

§ 1. *BE enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That any and every person or persons who shall export from this territory, beef or pork, packed in barrels or otherwise, or flour manufactured, may ex-

port the same without having it inspected, under the provisions of the act to which this is an amendment.

[ 91 ]

This act to take effect from and after the passage thereof.

JAMES NOBLE, *Speaker*  
of the House of Representatives.  
JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 20, 1813—APPROVED,  
TH. POSEY.

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CHAPTER X.

*An ACT for the formation of a new county out of the counties of Harrison and Clark.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That from and after the seventeenth day of January, eighteen hundred and fourteen, all that part of the counties of Harrison and Clark included within the following bounds, to wit: Beginning at Freeman's corner, on the meridian line, thence southwardly with said line to the intersection of an east and west line running through the centre of township one south; thence with the same eastwardly to the summit of the Silver creek knobs; thence north-eastwardly with the extreme height of the same between the waters of Silver creek and Blue river, to the line dividing ranges six and seven east; thence with said range line northwardly to the Indian boundary; thence with said boundary to the place of beginning, shall compose one new county, called and known by the name of Washington.

Boundaries  
and name.

[ 92 ]

§ 2. *And be it further enacted,* That the county of

Washington shall enjoy all the rights and privileges appertaining to the counties heretofore established in the Indiana territory; and it shall be lawful for the coroners, sheriffs, constables and collectors of said counties of Harrison and Clark, to make distress for all taxes, levies and officers' fees remaining unpaid by the inhabitants within the bounds of said new county, at the time such division shall take place, and they shall be accountable for the same in the like manner as if this act had never been passed; and the courts of Harrison and Clark counties shall have jurisdiction in all suits, pleas, complaints and proceedings, which may before the aforesaid 17th day of January next, have been commenced, instituted and depending within the present counties of Harrison and Clark, shall be prosecuted to final judgment and effect, issue process and award execution thereon.

Rights and privileges.

§ 3. *And be it further enacted by the authority aforesaid*, That Joseph Paddox, Peter M'Intosh and Ignatius Abel, of Harrison county, Marston G. Clark and Joseph Bartholomew, of Clark county, be, and they are hereby appointed commissioners, to designate the place for the permanent seat of justice for Washington county, agreeable to an act entitled "an act for fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named, or others appointed by the proper court, shall convene at the house of William Lindley, on Blue river, on the seventeenth day of January

Commissioners, who and where to convene.

[ 93 ]

next, and then proceed to discharge the duties assigned them by law.

§ 4. *And be it further enacted*, That the judges of the court of common pleas of the new county aforesaid, shall, within six months after the permanent seat of justice be established, proceed to erect the necessary public buildings thereon.

Judges to erect necessary buildings.

§ 5. *And be it further enacted*, That until suitable accommodation can be had (in the opinion of said court)

Courts where to be held.



at the seat of justice of said new county, all courts of justice for the same shall be holden at the house of William Lindley.

This act to be in force and take effect from and after the seventeenth day of January, A. D. 1814.

JAMES NOBLE, *Speaker  
of the House of Representatives.*

JAS. BEGGS, *President  
of the Legislative Council.*

DECEMBER 21, 1813—APPROVED,

TH. POSEY.

CHAPTER XI.

*An ACT to prevent malicious prosecutions.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That in all cases where an indictment or presentment shall hereafter be found within this Territory, upon the voluntary information of any person or persons, the name or names of such person or persons giving such voluntary information, shall

Voluntary in-  
formers liable  
for costs.

[ 94 ]

be endorsed as prosecutor or prosecutors, on the back of such indictment or presentment; and the person or persons whose names are so endorsed, shall be held responsible for and bound to pay all costs that shall accrue in such cases as the court shall determine that such information was voluntarily given, and that there were no probable grounds for such prosecution; and the person or persons whose name or names are so endorsed shall be considered competent witnesses; any law, custom, or usage to the contrary notwithstanding.

§ 2. *Be it further enacted,* That in all cases where the United States' prosecutions fail before justices of the peace, or where the parties are recognized to the circuit,

Same before  
a justice.

or courts of common pleas, and there dismissed, in either case, the complainant shall pay the justice's and constable's costs, unless the justice shall consider, or the court certify that there was probable cause of complaint, and in either case no costs shall be chargeable.

§ 3. *Be it further enacted*, That no person or persons gaining any suit or action in civil cases hereafter to be instituted or commenced within this Territory, shall be held responsible for or bound to pay any costs which may have accrued in such suit or action; any law, custom, or usage to the contrary notwithstanding.

Persons gaining suit in civil cases not liable for costs.

§ 4. *And be it further enacted*, That in all actions of slander, assault and battery, and trespass *vi et armis*, hereafter instituted in any of the courts in this Territory, the verdict of a jury for the plaintiff or defendant

Verdict carry full costs,

[ 95 ]

shall carry full costs; any law to the contrary notwithstanding.

JAMES NOBLE, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

DECEMBER 21, 1813—APPROVED,

TH. POSEY.

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## CHAPTER XII.

*An ACT to amend the act entitled "an act to amend an act regulating the admission and practice of attorneys and counsellors at law, and for other purposes."*

§1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the judges of the court of common pleas, in the several counties in this Territory, shall appoint some person legally authorized or licenced

Judges appoint the prosecuting attorneys.

to practice as an attorney and counsellor at law in this Territory, as prosecuting attorney in the superior and inferior courts in the respective counties, who shall receive, in addition to the fees now allowed by law, such compensation as the courts in their discretion may allow, to be paid by the county; and the inferior courts shall certify the allowance to the proper officer, who shall pay the same, if he has funds of the county in his hands.

Superior  
courts to cer-  
tify services.

§ 2. *Be it further enacted*, That the superior court shall certify to the court of common pleas, of the services having been per-

[ 96 ]

formed by the prosecuting attorney, who shall make an allowance to the said prosecuting attorney, and certify it as directed in the preceding section. And that the attorneys so appointed shall hold their offices during good behaviour, to be judged of by the court of common pleas.

Salary of at-  
torney gene-  
ral abolished.

§ 3. *Be it further enacted*, That from and after the passage of this act, the salary of attorney general within this Territory, shall be abolished; and it shall be the duty of the several prosecuting attorneys in the several counties within this Territory, to discharge all the duties which by law the attorney general is now bound to discharge.

§ 4. *Be it further enacted*, That the fifth section of the act to which this is an amendment, be and the same is hereby repealed.

This act to take effect from and after the first day of February next.

JAMES NOBLE, *Speaker*  
*of the House of Representatives.*

JAS. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 21, 1813—APPROVED,

TH. POSEY.

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## CHAPTER XIII.

*An ACT to amend an act entitled "an act authorising the appointment of a Pilot."*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the pilots that now are, or hereafter may be appointed at Jeffersonville, and*

Exempt  
from militia  
duty.

[ 97 ]

their successors in office, shall be and they are hereby exempted from militia duty, any law or usage to the contrary notwithstanding, upon their paying, in time of peace, five dollars each, and in time of war, twenty dollars each, to be paid annually to the collector of the territorial tax of the proper county, for the use of the territory; and also exempt from working on public roads, by paying fifty cents for each day he shall be legally warned to work, to the owners of the road; and also exempt from serving on juries.

This law to take effect from and after its passage.

JAMES NOBLE, *Speaker*  
*of the House of Representatives.*

JAS. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 21, 1813—APPROVED,

TH. POSEY.

## CHAPTER XIV.

*An ACT to authorise the Collectors of Taxes to make deeds in certain cases.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, That hereafter when any collector shall sell any lands for the non-payment of taxes due thereon, it shall be the duty of such collector to give*

Form of deed.

to the purchaser a deed therefor, in the following form, to wit: "Whereas I, A.B. collector for the county of \_\_\_\_\_ of the territorial and county tax for the year \_\_\_\_\_ have on this \_\_\_\_\_ day of \_\_\_\_\_

N

[ 98 ]

in the year \_\_\_\_\_ exposed to sale \_\_\_\_\_ acres of land, the property of C.D. or so much thereof as would bring the tax and costs due thereon, situate (here describe the land) in the county of \_\_\_\_\_ having first advertised the same according to law; and whereas E.F. at said sale became the purchaser of \_\_\_\_\_ acres (if less than the whole tract is sold, describe the corner of the lot or tract off of which it is to be taken) for the sum of \_\_\_\_\_ dollars and cents, being the tax and costs due thereon for the year \_\_\_\_\_. This indenture therefore witnesseth, that I, A.B. collector of the county of \_\_\_\_\_ for and in consideration of the sum of \_\_\_\_\_ dollars and cents, do hereby sell, alien, transfer and confirm all the right, title, interest and claim of C.D. to \_\_\_\_\_ acres of land (here describe the situation of the land) to E.F. of the county of \_\_\_\_\_ and by these presents have sold, aliened, transferred and confirmed unto E.F. the said \_\_\_\_\_ acres of land with the appurtenances thereunto belonging, his heirs and assigns forever; reserving to the said C.D. his heirs or assigns (as the case may be) the right which the said C.D. shall by law have to redeem the same."

Before  
whom acknow-  
ledged.

§ 2. *Be it further enacted*, That it shall be the duty of the collector, upon the execution of a deed, as prescribed in the first section of this act, to acknowledge the same before the judge or justice who shall attend the sale; and if such judge or justice should die or resign before the acknowledgement of said deed, then and in that case the said deed shall be acknowledged in some court



[ 99 ]

of record in the county where the sale shall take place.

§ 3. *Be it further enacted*, That no purchaser of any tract of land, under the provisions of this act, shall have his or their deed recorded, until the expiration of the time of redemption by law, after the execution of said deed: *Provided nevertheless*, that nothing in the eighth section of the act establishing the recorder's office and for other purposes, shall be so construed in any way to affect purchasers under the provisions of this act. When recorded.

JAMES NOBLE, *Speaker*  
of the House of Representatives.

JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 22, 1813—APPROVED,  
TH. POSEY.

## CHAPTER XV.

*An ACT legalizing the proceedings and changing the place of holding the courts of common pleas of Warrick county.*

WHEREAS it has been represented to the legislature, by the court, sheriff and clerk of Warrick county, that certain courts of common pleas for the said county of Warrick, have been held at the house of Hugh M'Gary, in said county, instead of the house of Bailey Anderson, as is required by law, and that the said house of Hugh M'Gary is much more convenient than the house of the said Bailey Anderson, for the holding of the courts of common pleas of the said Warrick county: therefore,

[ 100 ]

§ 1. *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the proceedings of the said

Where the  
courts shall be  
held.

courts of common pleas of Warrick county, which have been held at the house of the said Hugh M'Gary, shall be and the same are hereby declared as valid, legal and binding, to all intents and purposes, as if the said courts had been held at the house of the said Baily Anderson, agreeably to an act entitled "an act for the formation of two new counties out of the county of Knox."

Proviso.

§ 2. *And be it further enacted*, That from and after the passage of this act, the said courts of common pleas and circuit courts for the said county of Warrick, shall be held at the house of the said Hugh M'Gary, at Evansville, in said county, any thing in the act entitled "an act for the formation of two new counties out of the county of Knox", to the contrary notwithstanding: *Provided always*, That so soon as the seat of justice for the said county of Warrick shall be established, and the necessary public buildings erected thereon, it shall be the duty of the court of common pleas and circuit court for the said county of Warrick, to adjourn thereto, agreeably to the provisions of the said act entitled "an act for the formation of two new counties out of the county of Knox."

JAMES NOBLE, *Speaker*  
of the *House of Representatives*.

JAS. BEGGS, *President*  
of the *Legislative Council*.

DECEMBER 24, 1813—APPROVED,

TH. POSEY.

[ 101 ]

## CHAPTER XVI.

*An ACT apportioning the members to the House of Representatives of the Indiana Territory.*

Apportion-  
ment.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That from and after the term for which the present members of the House of Representa-

tives have been elected, the following shall be the apportionment of members to the House of Representatives, to wit: the county of Warrick, shall elect one representative; the county of Gibson, one; the county of Knox, one; the county of Washington, one; the county of Harrison, one; the county of Clark, one; the county of Jefferson, one; the county of Dearborn, one; the county of Franklin, one; and the county of Wayne, one; and the election for the same shall be holden at such time and place, in such manner and under such regulations as now are, or shall hereafter be provided by law.

§ 2. *And be it further enacted*, That if any vacancy or vacancies shall occur, by death, resignation or otherwise, the governor shall issue his writ of election to supply such vacancy or vacancies, that the representation from each county may be kept complete and every part of the Territory enjoy a just and equitable share in the representation of the same.

Vacancies how filled.

§ 3. *Be it further enacted*, That if any new county or counties shall be hereafter erected, previous to any alteration in the

New counties to be represented.

[ 102 ]

present appointment, there shall be elected for each and every new county so erected, one representative; and the governor, if necessary, is hereby authorized and required to issue writs of election for the same; and if any member who is elected a representative for any of the before mentioned counties, named in the first section of this act, shall reside in any such new county, his seat in the House of Representatives shall be deemed and is hereby declared vacated, which vacancy shall be supplied in the same manner as is provided in other cases.

§ 4. *And be it further enacted*, That the act entitled "an act for apportioning the members to the House of Representatives, and for other purposes," approved the

nineteenth day of December, one thousand eight hundred and ten, be and the same is hereby repealed.

JAMES NOBLE, *Speaker*  
*of the house of Representatives.*

JAS. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 24, 1813—APPROVED,  
 TH. POSEY.

CHAPTER XVII.

*An ACT to render the practice in courts more easy and plain.*

Instruments  
 of writing not  
 under seal evi-  
 dence before  
 a court.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That hereafter when any suit shall be commenced in any of the courts in this Territo-

[ 103 ]

ry, having jurisdiction thereof, founded on any writing, whether the same be under seal or not, open accounts excepted, the court before whom the same is depending, shall receive such writing as evidence of the debt or debts, for which it was given, and it shall not be lawful for the defendant or defendants in any such suit to deny the execution of such writing, unless it be by plea, supported by the affidavit of the party putting in such plea; which affidavit shall accompany the plea, and be filed therewith at the time such plea is filed; which affidavit may be made before any justice of the peace, or before the clerk of the court where such suit may be depending, or before any judge or justice of the peace or any other person authorized to administer oaths, in any other State or Territory, having the same certified by the clerk of the court of the county where the same may be sworn to.

§ 2. *Be it further enacted,* That when any judgment

which may have heretofore or which may hereafter be rendered in any of the courts of common pleas in this Territory, and the person or persons against whom the judgment is rendered, shall have no goods and chattels in the county to satisfy the same, it shall be lawful for the clerk of the court, upon application to him by the person in whose favor the judgment was rendered, or by attorney, to issue a *feri facias* against the goods and chattels of the person or person against whom judgment is rendered, or any other process, authorized by law to carry the judgment into effect, and direct the same to the sheriff or

Clerk may direct execution to the sheriff of another county.

[ 104 ]

coroner, as the case may be, in any county in the territory; and the sheriff or other officer shall proceed to levy the execution, and in all other respects, as if the execution had issued from the clerk's office of the court of common pleas in his own county, and shall return the execution to the office from whence it came.

§ 3. *Be it further enacted*, That so much of the act to which this is an amendment, as makes it necessary when two or more are dealing together, and a suit brought, that if the jury find that the plaintiff is in arrear to the defendant, they shall certify the same to the court, be and the same is hereby repealed; and that hereafter the jury shall find as the case may be, and bring in their verdict, if for the defendant, and judgment shall be rendered as in other cases.

Finding for plaintiff in arrear repealed.

§ 4. *Be it further enacted*, That when any plaintiff or defendant shall except to the opinion or judgment of any court of record in this territory, and the court shall refuse to sign said bill of exception, than and in that case it shall be lawful for the party tendering such bill of exceptions, to get the same signed by two or more of the by-standers, who are privy to the subject matter of the said bill of exception, and file the same with the papers in the suit, and it shall be deemed and taken as a part of the record.

Bill of exceptions signed by the by-standers where court refuse.



Jeofails.

§ 5. *Be it further enacted*, That the benefits of the twenty-seventh section of the act regulating the practice in the general court and court of common pleas, and for other purposes, relative to amendments and jeofails, be extended to pleadings in court be-

[ 105 ]

fore verdict, in the same manner as they are now extended after verdict; and hereafter no demur, whether general or special, shall be sustained, where the causes of demur are for any defect in the pleadings, where said defects are contained in the said law relative to amendments and jeofails.

Courts to correct errors.

§ 6. *Be it further enacted*, That the several courts of record within this territory may, and they are hereby directed, upon motion to them made at the term at which judgment may be rendered, or at any subsequent term of said court, to correct any error in said judgment, where there is any thing among the papers filed in the suit upon which the said judgment was entered, to correct the same by.

JAMES NOBLE, *Speaker*  
of the House of Representatives.  
JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 24, 1813—APPROVED,

TH. POSEY.

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### CHAPTER XVIII.

*An ACT to dissolve the marriage of Arrabella Davison with her husband Daniel Davison.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the bond of matrimony contracted between Daniel Davison and Arrabella

[ 106 ]

Davison, be and the same is hereby dissolved, from this day; and that the said Arrabella is now as completely freed from the bonds of matrimony as if she had never contracted them.

JAMES NOBLE, *Speaker*  
*of the House of Representatives.*  
 JAS. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 24, 1813—APPROVED,  
 TH. POSEY.

## CHAPTER XIX.

*An ACT supplementary to the act entitled "an act regulating the duties of Sheriffs, and for other purposes."*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That when any execution or attachment for debt, damages or costs, shall hereafter issue from any court of record, directed to any sheriff or coroner within any of the counties of this territory, and put in the hands of such sheriff or coroner respectively; and if said sheriff or coroner shall fail or neglect to return the same at the proper return day therein mentioned to the clerk's office from which the same issued, or shall make a false return thereon, or if he shall have made the money, or any part thereof, on said execution or attachment, and fail to pay the same over to the party in whose favor said execution or attachment issued, or to his attorney,

Sheriff or coroner failing to return process, how dealt with.

[ 107 ]

or into the clerk's office, according to the tenor and effect of said execution or attachment; it shall and may be lawful for said court out of which the same issued, upon

motion to enter judgment against said sheriff or coroner and their securities for the sum due on said execution or attachment, where the same shall not be returned on the return day, or for the amount of money levied, but not paid over as above, with fifteen per centum per annum from the time the money ought to have been paid until the same shall be paid, with costs of suit; and where the sheriff or coroner shall die or resign, the same proceedings shall be had against their securities, by motion, as herein above directed: *Provided*, the said sheriff or coroner and their securities shall receive ten days' previous notice of said motion; any law to the contrary notwithstanding.

§ 2. *And be it further enacted*, That all monies heretofore collected by any justice of the peace, or hereafter collected by any justice of the peace in this territory, agreeably to the law of the territory, and who fails, or who have failed to pay over the same to the plaintiff or defendant (as the case may be) and by the time authorised by law, it shall be lawful for the party aggrieved to recover, in a summary way, judgment against the justice in the court of common pleas of the proper county, for the amount of the sum so recovered by the justice, with ten per cent. in damages and costs, upon ten days' notice: *Provided also*, that previous to such notice a demand shall be made of the money by the person claiming of the said justice, and

Justices neglecting to pay over monies to be dealt with in a summary way.

[ 108 ]

that the constable shall be deemed and taken as a competent witness.

JAMES NOBLE, *Speaker*  
of the House of Representatives.  
JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 24, 1813—APPROVED,

TH. POSEY.

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## CHAPTER XX.

*An ACT for the relief of James Crow, collector of Knox county for the year 1812.*

WHEREAS it is represented to this legislature, that James Crow, sheriff and collector of the territorial tax of Knox county, for the year one thousand eight hundred and twelve, deposited with the former treasurer of the Territory, before the first day of May 1812, but after the said treasurer had resigned, upwards of four hundred dollars, which, together with his list of delinquents, has overpaid the amount of territorial tax with which he was charged for that year; that on the ninth of July last, soon after the present treasurer was appointed, and the office removed to Corydon, he obtained a receipt for said money, from the present treasurer, and that the auditor hath charged him with the interest on the said money:

§ 1. *Be it therefore enacted by the Legislative Council and House of Representatives, That James Crow, collector of the territorial tax of Knox county, for the year one thousand eight hundred and twelve, be exempt and discharged from paying any in-*

[ 109 ]

terest on the arrears of territorial tax for the county of Knox for the year one thousand eight hundred and twelve, and that the auditor is hereby directed to audit to James Crow ninety-one dollars and ninety cents, it being the amount overpaid by the said James Crow as collector of territorial tax for the year one thousand eight hundred and twelve.

JAMES NOBLE, *Speaker*  
*of the House of Representatives.*  
JAS. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 27, 1813—APPROVED,  
TH. POSEY.

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## CHAPTER XXI.

*An ACT to amend the act entitled "an act respecting crimes and punishments."*

Persons burn-  
ing public  
buildings, &c.  
how fined.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That if any person or persons shall wilfully burn any court-house, or county or public prison, or the office of the clerk of any court, or should burn any chapel, church or meeting house within this Territory, such person or persons, and his, her or their aiders, abettors, or counsellors, or either of them, shall, upon being found guilty on an indictment by a jury, be fined by the court, not exceeding five thousand dollars, and be confined in jail until the fine and costs are paid.

[ 110 ]

Trespassing  
on public  
property fined  
twofold.

§ 2. *Be it further enacted,* That if any person or persons shall wilfully commit any trespass, depredation, or injury of any kind, to any court-house or county prison, chapel, church or meeting-house, or who shall commit any trespass, depredation or injury of any kind to any estray pen, stocks, or fencing, erected by the proper authority, on any public square (unless such trespass shall come within the preceding section) shall, upon being found guilty by a jury on an indictment, be fined by the court in twofold for the injury sustained.

Failing to as-  
sist a public  
officer when  
called upon.

§ 3. *Be it further enacted,* That any person or persons called upon by any sheriff or other officer to assist in the execution of his office, and failing to obey in case when such person or persons may be legally called on, every such person, unless he shows sufficient cause for not attending as aforesaid, shall be fined by the court having competent jurisdiction, in any sum not exceeding fifteen dollars, upon being found guilty upon an indictment.

Fines collec-  
ted, how ap-  
propriated.

§ 4. *Be it further enacted,* That all fines recovered under the provisions of the preceding sections of this act, shall be for the use of the proper county (except where



any injury is done to any chapel, church or meeting-house) in that case the fines shall be for the benefit of the society who shall have erected the same.

§ 5. *Be it further enacted by the authority aforesaid,* That hereafter every charge of incest, fornication, adultery, or whoredom, made by any person against one of the female sex, shall be placed on the same foot-

Slanderous words made actionable.

[ 111 ]

ing as other charges of a criminal nature, for which an action will lie according to the principles of the common law; and that all and every person or persons for whom an action would lie for the speaking of scandalous words, may have and maintain an action of slander, for the speaking of words containing a charge of the commission of the offences aforesaid, or any of them, subject to the like principles, rules, and regulations, as are observed in other actions for slanderous words.

JAMES NOBLE, *Speaker*  
of the *House of Representatives.*  
SOLOMON MANWARING, *President*  
pro tem. of the *Legislative Council.*

DECEMBER 27, 1813—APPROVED,  
TH. POSEY.

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## CHAPTER XXII.

*An ACT for the regulation of the town of Charlestown.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the following persons be and they are hereby appointed trustees of the town of Charlestown, to continue in office until the first Monday in January, 1815, viz: James M'Campbell, James M'Fagertt, William Bowen, Andrew P. Hay and James Bigger, a majority of whom shall form a quorum; which said trus-

Trustees appointed by law.

tees shall be a body corporate in deed, fact and in name, by the name and style of the trustees of Charlestown,

[ 112 ]

and by the same name shall have perpetual succession, and they and their successors at all times hereafter, by the name of the trustees of Charlestown, shall be persons able and capable in law, to sue and be sued, plead and be impleaded, in any court of justice whatever.

How elected  
in future.

§ 2. *Be it further enacted*, That the holders of lots in the said town, being residents thereof, shall be and they are hereby authorised to elect five trustees, annually, on the first Monday in January; that it shall be the duty of the sheriff of the county of Clark, to advertise, twenty days previous thereto, at the door of the court-house, that such an election will be held, and also to superintend and conduct the same; for which services compensation shall be made him by the trustees.

Appointment  
of a clerk and  
assessor and  
their duties.

§ 3. *Be it further enacted*, That the trustees shall have power to appoint a clerk to their board, and annually to appoint an assessor, whose duty it shall be to value and assess all the lots in said town, and make return thereof to the trustees, having previously taken an oath before some justice of the peace truly and impartially to perform the same; but in the valuation of said lots, the house and other improvements erected thereon shall not be taken into consideration.

Trustees to le-  
vy a tax.

§ 4. That on the return of each list of taxable property by the assessor, the trustees shall levy a tax thereon, at a rate not exceeding two per centum on the valuation of such lots, for opening the commons and clearing and keeping in repair the streets,

[ 113 ]

and such other improvements thereon as may be thought necessary by the trustees.

§ 5. That the trustees shall annually, at the time they

appoint an assessor, appoint a collector, who shall, before he enters on the duties of his office, give bond and security to the trustees, or a majority of them, in double the sum to be collected, conditioned for the faithful collection and accounting for the same according to law; that the said collector shall, by sale of such lots, or otherwise, collect and account with the trustees of said town for the amount of the taxes with which he shall be charged, within four months from the time of his appointment; for the collection of which the trustees shall allow him seven per centum on the whole amount. Before the said collector shall expose to sale any property for the taxes due thereon, he shall advertise the time and place of sale for two weeks at the court-house door of Clark county, and in one of the public newspapers, either in Louisville or in the territory.

Trustees to appoint a collector, who shall give bond.

§ 6. On the death, resignation or removal of any one of the trustees, the same shall be filled by the remaining trustees, who shall appoint a successor, to continue in office until the next election.

§ 7. That the trustees of the said town shall have the original plan recorded in the recorder's office of Clark county, and may, by affixing posts or stones at the corner of each square, perpetuate the same.

Plan of town recorded.

§ 8. That any three of the trustees shall be sufficient to form a board.

P

[ 114 ]

§ 9. *Be it further enacted*, That the said trustees, or a majority of them, shall have full power from time to time and at all times hereafter, to hold a common council within the said town, and to make such by-laws, ordinances and regulations, in writing, not inconsistent with the laws of the territory, or of the United States, as to them shall appear necessary for the good government of the said town, and the inhabitants thereof, and the same to put

Trustees have power to make by-laws.

in execution, revoke, alter, and make anew, as to them shall appear necessary for the police of the said town.

JAMES NOBLE, *Speaker*  
of the *House of Representatives.*

JAS. BEGGS, *President*  
of the *Legislative Council.*

DECEMBER 27, 1813—APPROVED,

TH. POSEY.

CHAPTER XXIII.

*An ACT for the relief of Willis W. Goodwin.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the auditor be and he is hereby authorized and required to give Willis W. Goodwin a credit of eighty-six dollars and nineteen cents, for all the interest that he is charged with for the year 1808, for territorial taxes.

JAMES NOBLE, *Speaker*  
of the *House of Representatives.*

JAS. BEGGS, *President*  
of the *Legislative Council.*

DECEMBER 27, 1813—APPROVED,

TH. POSEY.

[ 115 ]

CHAPTER XXIV.

*An ACT supplementary to the several acts for the trial of small causes.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That in trials, in cases of debt or account, before a justice of the peace, it shall be lawful for the plaintiff to require the defendant to answer on oath to the charge, but if the defendant shall thereupon

Plaintiff may require the defendant to answer on oath, or *vice versa.*

deny the same, the plaintiff shall not have judgment unless he shall establish his claim by one or more credible witness or witnesses. And wherever the defendant shall allege matter in payment of the plaintiff's demand, he may in like manner, and subject to the like rules, require the plaintiff to answer such allegations on oath; and on neglect or refusal to attend or answer, after summons, the justice may use attachment and compulsory proceedings for contempt, so as to procure confessions, according to the true intent and meaning hereof: *Provided however*, That nothing herein contained shall be so construed as to authorize either party to be sworn, unless thereto required by the adverse party. This act shall be in force from and after the first day of March next.

§ 2. *Be it further enacted*, That from and after this act shall take effect, the summons shall issue in all cases, except where the plaintiff may require a *capias* to issue.

Summons to issue in all cases except a *capias* be required.

§ 3. *And be further enacted*, That it shall be lawful for any justice of the peace to issue his summons or warrant, so as to bring any person or persons to trial, where the

[ 116 ]

cause of action originated, or where the person or persons may be found; any law to the contrary notwithstanding.

JAMES NOBLE, *Speaker*  
of the house of Representatives.  
JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 31, 1813—APPROVED,

TH. POSEY.

## CHAPTER XXV.

*An ACT to amend the act entitled "an act authorizing the courts of common pleas to issue writs of habeas corpus and certiorari, in certain cases."*



Person applying for, make out his statement under oath.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That hereafter any person applying for a writ of certiorari, under the directions of the act to which this is a supplement, shall make out his statement in writing, and support it by oath or affirmation, or otherwise it shall not be received by the judge or court; and any judgment of a justice of the peace, being confirmed by the court, they shall, upon application to them, give ten per centum in damages, besides legal interest and costs; and there shall be no stay of execution.

§ 2. *And be it further enacted,* That this act, and the act to which this is a supplement, shall be construed to extend to proceedings in misdemeanors before justices of

[ 117 ]

the peace, as well as civil cases; any law to the contrary notwithstanding.

JAMES NOBLE, *Speaker of the House of Representatives.*  
 JAS. BEGGS, *President of the Legislative Council.*

DECEMBER 31, 1813—APPROVED,  
 TH. POSEY.

CHAPTER XXVI.

*An ACT for the appointment of a territorial treasurer.*

Former offices abolished.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the offices of the territorial auditor and treasurer, be, and the same are hereby abolished.

Governor appoint a treasurer and his duties.

§ 2. *Be it further enacted,* That the governor shall appoint a territorial treasurer, who shall continue in office during pleasure, whose duty it shall be to keep the accounts of this Territory, with any State or Territory, and

with the United States, or any individual; to audit all accounts of the civil officers of this Territory, who are paid out of said treasury, and of all other persons authorized to draw money out of the treasury; but nothing herein shall be so construed as to authorize the treasurer to audit any account, or give any certificate, which would enable any person or persons to receive any sum or sums of money, unless in cases particularly authorized by law.

[ 118 ]

§ 3. *Be it further enacted*, That the said treasurer, before he enters on the duties of his office, shall give bond with approved security, to the governor of this Territory or his successor in office, in the penal sum of eight thousand dollars, conditioned as follows: that he shall justly and honestly audit, and fairly keep the accounts between this Territory and any State or Territory, the United States, or any individual, as the case may be, and that he will deliver to his successor in office, all monies, books, and other vouchers, which shall be by him kept, by virtue of this law, and moreover take the following oath or affirmation: "I, A.B. do solemnly swear, (or affirm, as the case may be) that I will justly and honestly perform the duties of treasurer of this Territory, to the best of my skill and judgment; so help me God."

Give bond  
with security.

§ 4. *Be it further enacted*, That the said treasurer shall make a fair list of all accounts by him audited, in a book to be kept by him for that purpose, as also an account of all taxes and other monies which may be due to any person from this Territory; and it shall be the duty of such treasurer to make out and present to both houses of the legislature, a transcript of said accounts, shewing the amount of all monies by him paid, as also the amount of all taxes which have been received, or are still due the said Territory, on the first week of their session, or as soon after as the legislature may require; and shall moreover at all times submit his office to the inspection of a committee of the

Make list of  
accounts and  
present it to  
the legisla-  
ture.

legislature, who shall examine the same, and make report of the situation thereof.

Keep record  
of warrants.

§ 5. *Be it further enacted*, That the said treasurer, shall keep a fair record of all warrants and certificates by him drawn, numbering the same in a book by him to be kept for that purpose.

Receive listers'  
books &  
charge collec-  
tors.

§ 6. *Be it further enacted*, That it shall be the duty of the treasurer to receive the listers' books, forwarded to him by the several clerks of the courts of the several counties, which the clerks of the said courts are hereby required to transmit, annually, on or before the first day of October, by which book the treasurer shall ascertain the amount to charge to each sheriff or collector of territorial tax; which amount, if not paid by the first day of April, annually, the said treasurer is hereby required to motion against said delinquent, in any court having competent jurisdiction thereof; which court shall thereupon enter up judgment and award execution, and forward the same to the coroner of the proper county, whose duty it shall be to collect and pay over the same as in other cases, without any stay of execution. Any person or persons failing or neglecting to perform the duties enjoined on them by the foregoing section, shall be fined in any sum not exceeding five hundred dollars, by indictment, for the use of the territory.

Keep ac-  
count of all  
monies re-  
ceived and  
paid out and  
make state-  
ments to the  
legislature.

§ 7. *Be it further enacted*, That the said treasurer shall keep a regular account of all monies he receives and pays, stating on what account the particular sum was paid or received, and the time when, and make fair

statements thereof as often as the Legislature may require; and on receiving any sum of money, he shall receipt for it to the person paying the same; he shall deliver all public monies in his possession to the succeeding treasurer, in a convenient time after said treasurer shall have been appointed, and shall direct the proper attorney to

motion against all delinquents, for the payment of public monies, which have heretofore accrued to the territory.

§ 8. *Be it further enacted*, That it shall be the duty of the several clerks of the courts within this territory, to make out statements of the amount due from their respective counties to the territory, at least twenty days previous to the meeting of the Legislature; which statement he shall deliver to the representative of his county, or should there be no such representative, then he shall forward such statement, by any safe conveyance, to the speaker of the House of Representatives; and the statement so brought or forwarded, shall be filed among the papers of the Legislature, as documents by which they may be able to settle with the treasurer.

Clerks of courts to make statements of territorial taxes due by their counties and deliver it to their representative.

§ 9. *Be it further enacted*, That any person or persons who may now, or hereafter have a legal demand against the territory, shall and may receive an evidence thereof, in a bill or bills, of one, five, ten, or twenty dollars, at the option of the creditor, and where cents intervene, they shall be added after the dollars, in either or any of the bills; and the treasurer shall issue the same, agreeably to the form now prescribed by

Receive bills as evidence of his demand.

[ 121 ]

law, and shall keep a register of such warrants or certificates, and shall have printed at the expence of the territory, such number of blanks as may be necessary for his office, and shall moreover audit accounts in no other way than as above described: *Provided however*, that no sheriff shall be entitled to receive any interest on territorial paper, which he may receive for the payment of taxes, or which he may pay into the territorial treasury, as a discount for the amount of the same charged against said sheriff in the said office, after the first day of January annually.

§ 10. *Be it further enacted*, That it shall be the duty of the present auditor and treasurer, within ten days after the governor shall appoint a treasurer, agreeably to

Present auditor and trea-



surer to deliver over books and papers.

the preceding sections, to deliver over to the territorial treasurer, all books, accounts, records, monies, blanks, papers, and other things appertaining to their respective offices, under the penalty of five hundred dollars, at the suit of the prosecuting attorney, for the use of the territory, before any court having competent jurisdiction; and moreover the treasurer shall reside at the seat of government.

§ 11. *Be it further enacted*, That the act entitled "an act for the appointment of an auditor and territorial treasurer," and all other laws coming within the purview of this act, be and the same are hereby repealed.

Treasurer, his salary.

§ 12. *And be it further enacted*, That the treasurer shall have for his services, two hundred and fifty dollars per annum, to be

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[ 122 ]

paid out of the territorial monies, in the same manner as other claims are by law.

This act to take effect from and after the first day of February next.

JAMES NOBLE, *Speaker*  
of the House of Representatives.  
JAS. BEGGS, *President*  
of the Legislative Council.

DECEMBER 31, 1813—APPROVED,

TH. POSEY.

## CHAPTER XXVII.

*An ACT to dissolve the marriage of Elizabeth Green with Jonah Green her husband.*

WHEREAS sufficient evidence has been produced to this general assembly, that Jonah Green has abandoned, for some years, his wife Elizabeth Green, formerly Eliza-



beth Purcell, and her three children, to penury and want, and has otherwise ill-treated her by words and blows, and there is no hope of his providing for her, or them, as a husband and father ought to do; for remedy whereof,

§ 1. *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the bonds of matrimony heretofore contracted between the said Jonah Green and Elizabeth his wife, formerly Elizabeth Purcell, be and the same is hereby dissolved, from and after the passage hereof; and that the said Elizabeth Green, formerly Elizabeth Purcell, be and is hereby as completely freed from the bonds of matrimony con-*

[ 123 ]

tracted as aforesaid, as if the said marriage had never been contracted or solemnized.

JAMES NOBLE, *Speaker*  
of the *House of Representatives.*  
JAS. BEGGS, *President*  
of the *Legislative Council.*

DECEMBER 31, 1813—APPROVED,  
TH. POSEY.

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## CHAPTER XXVIII.

*An ACT to amend an act regulating the town of  
Jeffersonville.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the trustees of the town of* Jeffersonville, or a majority of them, shall have full power, from time to time, and at all times hereafter, at their meetings in said town, to make such by-laws, ordinances and regulations, in writing, not inconsistent with the laws of this Territory or of the United States, as to

Trustees have  
power to make  
by-laws.

them shall appear necessary for the good government of said town and the inhabitants thereof, and the same to put in execution, revoke, alter and make anew, as to them shall appear necessary for the police of said town, and for carrying this law into effect; and by ordinance to require such sureties from the several officers, and to annex such fees to the several officers of the corporation, and to impose such fines for neglect of duty, or malconduct in office, as to them shall appear necessary; and to make,

[ 124 ]

limit, impose and tax reasonable fines against all, and upon all persons who shall offend against the laws, ordinances and regulations of said trustees, made as aforesaid; and all such fines to take, demand, require and levy, of the goods and chattels of such offenders, to be appropriated to the benefit of the inhabitants thereof. And it shall be the duty of the trustees to give publicity to their by-laws and regulations, by advertising the same in some public place in said town.

Shall give  
publicity to  
the same.

JAMES NOBLE, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

DECEMBER 31, 1813—APPROVED,  
TH. POSEY.

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## CHAPTER XXIX.

*An ACT re-organizing the Courts of Justice.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the courts of common pleas and circuit courts now established by law in this Territory, shall be and are hereby abolished.*

Present cir-  
cuit and courts  
of common  
pleas abolish-  
ed.

§ 2. *Be it further enacted*, That all powers vested in the courts of common pleas, under the act entitled "an act organizing courts of common pleas," and under all other laws which are, or hereafter may be in force in this Territory, and all powers vested in

Powers transferred to the circuit courts hereinafter established.

[ 125 ]

like manner, in the present circuit courts, shall and are hereby transferred to the circuit courts, as are hereinafter established: *Provided also*, That all county business, agreeably to the existing laws of this Territory, which was made the duty of the judges of the common pleas to transact, shall hereafter be transacted by the associate judges of the circuit courts, to be appointed as is hereinafter directed.

§ 3. *Be it further enacted*, That the counties of Knox, Gibson and Warrick, shall be formed into and constitute the first circuit; and the counties of Washington, Harrison, Clark and Jefferson, shall be formed and constitute the second circuit; and the counties of Dearborn, Franklin and Wayne, shall be formed and constitute the third circuit; and for each of the said circuits, one of the judges of the general court shall preside as a circuit judge, that is to say, for the first circuit, the honorable Benjamin Parke; for the second and third circuits, the honorables James Scott and Waller Taylor, as follows: for the first year, the honorable James Scott, for the third circuit, and the honorable Waller Taylor for the second circuit; and after said first year, the said judges shall change their circuits alternately. And in case of a vacancy by death, removal from office, or resignation of any of the judges of the general court, so soon as the vacancy is filled by the proper authority, the judge shall preside in the courts in the circuit that his predecessor did. And for each county in the said circuits, there shall be appointed and commissioned by the governor three

Formation of circuits.

Presidents assigned and associates appointed.

associate judges, who shall hold their offices for and during good behavior, and shall be paid by the several counties, in the same manner, and the same allowance as the judges of the present common pleas.

Jurisdiction.

§ 4. *Be it further enacted*, That the said circuit and associate judges, shall hold a court in each county, in the circuits respectively, at the times and in the manner hereinafter directed, to be called "the circuit court of the county of —— in the —— circuit," and shall have, exercise, possess and enjoy, as a court of original jurisdiction, all the power, authority and jurisdiction, in all process, suits, actions, bills, answers, causes, pleas, complaints, informations, indictments, presentments, and prosecutions, whatsoever, either civil or criminal, in equity or at law, as fully and amply as are now had, possessed, exercised and enjoyed in regard to the same, either by the circuit courts, courts of chancery, or the courts of common pleas.

Part of the bench competent to hold a court.

§ 5. *Be it enacted*, That the circuit judge, in the absence of the associate judges, and the associate judges, or two of them, in the absence of the circuit judge, shall be competent to hold a court.

Process.

§ 6. *Be it enacted*, That all the said process, suits, actions, petitions, bills, answers, causes, pleas, complaints, informations, indictments, presentments, and prosecutions, civil or criminal, in equity or at law, shall and may be instituted, brought into and proceeded in and upon to final judgment, decree and execution, in the said circuit courts, in the same manner, upon the same principles,

and under the same rules and regulations, as are now provided in regard to the practice either of the general court, the courts of common pleas or circuit courts of the several counties.

Clerks.

§ 7. *Be it enacted*, That the present clerks of the

courts of common pleas, shall be appointed and commissioned by the governor, for each of the courts to be holden in the counties respectively as aforesaid; they shall keep their office and reside at the seat of justice for the said counties, and hold their commissions during good behavior, and shall do and perform the same duties, be entitled to the same fees and emoluments, and subject to the same fines, penalties, and forfeitures as are now provided by law, in regard to the clerks of the circuit courts and common pleas: *Provided also*, That in all new counties, hereafter to take effect, that a clerk shall be appointed and commissioned by the governor, for each of the courts to be holden in the counties respectively as aforesaid, and who shall give bond in the same manner and under the same regulations as the law directs clerks of the courts of common pleas; and all vacancies shall be filled in like manner.

§ 8. *Be it further enacted*, That all pleas, complaints and process whatsoever, now sued out or may be sued out, previous to the promulgation of this act, and returnable to either of the said courts of common pleas or former circuit courts, shall be, and the same are hereby made returnable to the circuit court first to be holden in and for the county to which the said pleas, complaints, and process

Process issued before the promulgation of this law, how returned.

[ 128 ]

may or shall properly belong; and that all actions, suits, causes, process, pleas, complaints, presentments, informations, and indictments, now pending in any or either of the said courts of common pleas and circuit courts as aforesaid, together with all records, books, papers, exhibits, documents or memorandums, touching or in any wise relating to the same, or which properly may or shall belong to, or in any wise appertain to the offices of the said courts last aforesaid, shall by the clerks thereof respectively be delivered to the clerk of the circuit court of the proper county, as established by this act, within

Records and books delivered over by the clerks to their successors.



ten days from and after the commencement of this act, under the penalty of one thousand dollars, to be recovered by information or indictment, in any court having jurisdiction thereof.

Appeal how  
taken from  
justice.

§ 9. *Be it enacted*, That appeals may and shall be taken from the judgments of justices of the peace, to the circuit courts, in the same manner as is now provided by law in cases of appeals from the said justices to the common pleas; and the judges of the said circuit courts shall have the same authority, power and jurisdiction, in regard to the said appeals, as also in awarding writs of certiorari, as is now provided by law in respect to appeals and writs of certiorari from the said justices to the courts of common pleas.

Fines, how es-  
treated.

§ 10. *Be it enacted*, That forfeited recognizances shall be sent and certified from the circuit to the general court, and all fines and amercements that shall be laid, offered or set before the judges of the said circuit courts, shall be estreated to the general

[ 129 ]

court, in the same manner as is now provided for certifying forfeited recognizances and estreating fines and amercements from the common pleas to the general court.

Appeals from  
circuit to  
general court.

§ 11. *Be it enacted*, That appeals shall and may be taken from the said circuit court to the general court, and writs of error, habeas corpus, and certiorari, shall and may be sued out and prosecuted in all cases at law of a civil or criminal nature, from the general court to the said circuit courts, and proceeded in and upon, to and in the general court, in the same manner, upon the same principles, and under the same rules and regulations as are now provided in regard to the removal of cases by appeals, writs of error, habeas corpus, or certiorari, from the courts of common pleas to and in the general court.

General court  
to hold one  
session.

§ 12. *Be it enacted*, That the general court shall hold one session at the seat of government on the first Monday in September, annually.

§ 13. *Be it enacted*, That the circuit court for each circuit shall hold three sessions in each county annually, in the following manner, viz: In the third circuit, at Salisbury, in the county of Wayne, on the fourth Monday in May, August and November; at Brookville, in the county of Franklin, on the third Monday in May, August and November; at Lawrenceburgh, in the county of Dearborn, on the second Monday in May, August and November. In the second circuit: At Madison, in the county of Jefferson, on the first Monday in

Circuit court to hold three sessions, when and where.

## R

[ 130 ]

April, July and October; at Charlestown, in the county of Clark, on the third Monday in April, July and October; at Corydon, in the county of Harrison, on the fourth Monday in April, July and October; at William Lindley's, in the county of Washington, on the second Monday in April, July and October. In the first circuit: At Vincennes, in the county of Knox, on the second Monday in May, August and November; at the place of holding courts in the county of Gibson, on the third Monday in May, August and November; at the place of holding courts in the county of Warrick, on the fourth Monday in May, August and November.

§ 14. *Be it further enacted*, That so much of the law as authorises the judges of the former circuit courts to hold special sessions for the trial of criminals, by commission from the governor, be and the same is hereby repealed; and that the circuit courts established by this act, shall be governed by the act entitled "an act authorising the judges of the court of common pleas to hold special courts for the purposes therein named."

Circuit courts governed by the act creating special courts.

§ 15. *Be it further enacted*, That the secretary of the Indiana territory, be, and he is hereby required, to transmit immediately, a certified copy of this act, under his hand and the seal of the territory, to the several clerks

Secretary to transmit certified copies.

of the circuit courts, in their respective counties, without fee or reward.

Suits commenced in the

§ 16. *Be it further enacted*, That all suits now depending in the general court, and

[ 131 ]

general court transferred to the circuit.

which were commenced in said court before the seat of government was removed from Vincennes to the town of Corydon, and all suits commenced in the said court since the said removal of the seat of government, in either of the above cases, where the venue is, or may hereafter be laid in any county in the territory, different from that in which the general court shall sit, the said suits shall and they are hereby transferred to the circuit court of the county where the venue is or shall be laid; and it shall be the duty of the clerk of the general court, to forward a copy of such proceedings as has been had, or any such suit as may have been instituted in the general court, and is hereby transferred to the circuits, under the penalty of five hundred dollars, to and for the use of the territory, to be recovered at the suit of the prosecuting attorney, in the county where the suit is or ought to be removed to; and all writs of habeas corpus, error, and certiorari, that is made returnable to the general court, which was to have been holden in the month of April next, and all process made returnable to said court, are hereby continued over to the term of said court to be holden in the month of September next.

Practising physicians ineligible to a seat as judge.

§ 17. *Be it further enacted*, That no practising physician shall in future be eligible to act as a judge of the superior or inferior courts of record within this territory, under the penalty of five hundred dollars, recoverable by indictment for the use of the proper county.

[ 132 ]

§ 18. *And be it further enacted*, That this act shall take effect from and after its passage.

JAMES NOBLE, *Speaker*  
*of the House of Representatives.*

JAS. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 31, 1813—APPROVED,  
 TH. POSEY.

### CHAPTER XXX.

*An ACT to amend the act entitled "an act supplementary to the several acts regulating public roads and highways.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That each and every white male person, sixteen years of age and upwards, and each and every male person of color, bond or free, sixteen years of age and upwards, shall be subject to work on roads and public highways, as is directed by law, except those that shall from time to time be exempted by the courts of common pleas for their respective counties, on account of their entire disability.

Persons sixteen years of age shall work on the roads.

§ 2. *Be it further enacted,* That in case of default, or non-attendance of minors, or servants, to work on public roads, or highways, when legally called on as the law directs, the parent, guardian, or master, shall be held and deemed responsible for all fines and costs which are recoverable by law.

Parents or guardians accountable for non-attendance of minors.

[ 133 ]

§ 3. *Be it further enacted,* That it shall be lawful for the judges of the courts of common pleas, within their respective counties in this Territory, at their courts of claims, to allow to each and every supervisor within their counties, seventy-five cents a day, for every day they were faithfully engaged in warning the hands within their dis-

Supervisor, his compensation.

Justices to  
proceed to  
collect from  
delinquents.

trict; which account in all cases shall be sworn to. And it shall be the duty of the said supervisor, at the time he exhibits his accounts, to deliver to the court a list of all the delinquents within his bounds, stating with what justice he has deposited them for collection; which list shall also be sworn to be just and true. And it shall be the duty of every justice in whose hands delinquent lists are deposited, to proceed, within ten days, by summons or warrant, and collect the same, and pay the amount to the county treasury, as other fines, on or before the April term annually, under the penalty of five dollars for every such neglect, to be recovered in a summary way, before any court of record, by motion of the treasurer; and the fines collected as above, and paid into the county treasury, shall be, by the court, paid to the overseer of the road whose predecessor returned the delinquents off whom the said fines were collected, to be appropriated by said overseer in opening said road, excepting so much thereof as will pay the said supervisor for warning the hands in his district; and he shall account how the same was appropriated, upon oath, at the expiration of his office, under the penalty of the amount

[ 134 ]

of said fines, to be recovered by motion of the prosecuting attorney.

All acts or parts of acts, coming within the purview of this act, be, and the same are hereby repealed. This act to take effect from and after its passage.

ISAAC DUNN, *Speaker*  
of the *House of Representatives.*  
JAS. BEGGS, *President*  
of the *Legislative Council.*

JANUARY 3, 1814—APPROVED,

TH. POSEY.

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## CHAPTER XXXI.

*An ACT to require and compel the administrators and securities of John M'Canless, deceased, formerly sheriff of Knox county, to pay into the territorial treasury such sums of money as are or may be due by the said John M'Canless to the Territory.*

WHEREAS it has been represented to the legislature, that there are considerable sums of money due by the said John M'Canless, deceased, formerly sheriff of Knox county, to the Territory; and that by virtue of an act entitled "an act for the relief of the securities of John M'Canless, late sheriff of Knox county, and Spier Spencer, late sheriff of the county of Harrison, deceased," the administrators of the said John M'Canless, deceased, have collected a variety of taxes which was due and unpaid to the said John M'Canless at his decease, and that the

[ 135 ]

said administrators have failed or neglected to pay into the territorial treasury, all or any part of the said monies by them so collected or remaining due from the said John M'Canless to the Territory.

§ 1. *Be it therefore enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the said administrators of the said John M'Canless, together with his securities for the faithful discharge of the duties of his office of sheriff, shall be and they are hereby required and compelled to pay into the territorial treasury, on or before the fifteenth day of March next, all monies which shall or may be due from the said John M'Canless to the Territory, together with interest thereon as in other cases; and on failure thereof, the same shall be recovered of the said administrators and securities, in a summary way, by motion of the prosecuting attorney, whose duty it is hereby made to prosecute for the same in the circuit

Penalty on failure.

court of the proper county, in such manner and proportion as justice and equity may require, on giving the said administrators and securities ten days previous notice of such motion.

Territorial  
treasurer to  
furnish the  
prosecuting  
attorney with  
vouchers.

§ 2. *Be it further enacted*, That it shall be the duty of the territorial treasurer, on such failure, forthwith to transmit to the said prosecuting attorney, certified accounts, containing a fair statement of all monies chargeable to, and paid by the said John M'Canless, together with all other vouchers which may be deemed necessary, to enable the said prosecuting attorney to obtain judg-

[ 136 ]

ment; upon which, execution shall immediately issue, as in similar cases.

§ 3. *Be it further enacted*, That the sum of fifteen dollars be, and the same is hereby appropriated and allowed to the said prosecuting attorney, as a fee for his services, payable at the territorial treasury, on the certificate of the presiding judge of said court certifying that the said prosecuting attorney has performed the duties of him required by this act.

ISAAC DUNN, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

JANUARY 3, 1814—APPROVED,

TH. POSEY.

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## CHAPTER XXXII.

*An ACT supplementary to an act entitled "an act to reduce into one the several acts to establish a permanent Revenue."*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the*

*authority of the same*, That it shall be the duty of the several circuit courts within this territory, at their term next after the first day of January, annually, to appoint one fit person, within their respective counties, to receive or take in the list of all taxable property within the same, who shall take the same oath, and proceed, under the same rules and regulations, to take a list of all taxable property within the said county, that is provided by the act to which this is a supplement (except as is

Court appoint a lister.

[ 137 ]

hereafter excepted); and the listers so appointed, shall severally receive for their service such compensation as the said courts shall deem reasonable and just, which shall be paid or discharged in the same manner that other county claims are; and if any lister appointed as aforesaid, shall refuse or neglect to perform the several duties hereby enjoined on him, after he shall have accepted of said appointment, he shall be fined not exceeding one hundred dollars; and in case the lister shall not accept of said appointment, the court shall from time to time, so soon thereafter as they shall be informed thereof, meet at the court-house of the proper county, and appoint some other fit person as lister, who shall be subject to the same penalties and receive the same compensation as aforesaid; and the lister so appointed, shall take a list of all free male persons of color, between the ages of twenty-one and fifty-five; and the judges are hereby required to levy a tax on such persons of color, of three dollars per annum each, and the collectors of county monies are hereby required to collect the aforesaid tax and pay it over to the county treasurer as other county monies are, except such monies as may arise from the tax on persons of color in the county of Knox, which shall be appropriated by the circuit court of said county for the use of some public school in said county.

His compensation and duties.

§ 2. *And be it further enacted*, That it shall be the duty of the owner or owners of land, either by himself

or their agents, to deliver a list of his or their lands to the lister of the county where the land lies.

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[ 138 ]

Lister to  
make out al-  
phabetical  
lists.

Clerks to dis-  
pose of said  
lists.

Clerk to exhi-  
bit on the  
court-house  
door the rate  
of taxation.

§ 3. *And be it further enacted*, That every lister appointed as aforesaid, shall make out one general alphabetical list of all the taxable property in their proper county, agreeably to the form prescribed by the act to which this is an amendment; which list, together with the original list, shall by the said lister be delivered to the clerks of the circuit courts, as is required by the said act to which this is an amendment; and it shall be the duty of the said clerks, after the said lists are corrected by the judges of the said court, to make out two fair correct alphabetical general lists of all the taxable property of the county, one of which shall be delivered to the sheriff of the proper county, on or before the first of September annually, and the other transmitted by the clerk to the territorial treasurer, on or before the first day of October annually: *Provided*, that the list which it is hereby made the duty of the clerk to transmit to the treasurer, shall only contain the taxable property subject to a territorial tax; and the said listers' returns shall remain in the clerk's office, for the use of the courts respectively, as a guide to them in settling with the sheriffs; and it shall also be the duty of the said clerks, respectively, to exhibit, on the court-house door of their county, a statement of the rate of taxation during two terms next succeeding that at which the rates of taxation are fixed, and also exhibit on the said court-house door, at the court of claims and during the two succeeding terms of said court, a list containing the names of all delinquents allowed and stricken out by said court, together with the

[ 139 ]

names of all such persons as the sheriff shall have col-

lected tax from, whose property was not listed by the lister, also a list of the debts due to the county and of the claims against said county.

§ 4. *And be it further enacted*, That it shall be the duty of each and every collector or sheriff, when he collects the tax due by any individual, to give such person or individual a receipt for the same, particularly specifying therein the amount and particular tax or taxes for which the same was given.

Collectors' receipt to specify the amount.

§ 5. *Be it further enacted*, That the clerks of the several courts, for the services herein enjoined on them, shall be allowed such compensation as the judges of their said court shall deem reasonable.

§ 6. *Be it further enacted*, That if any clerk, sheriff or collector, shall neglect or refuse to comply with the requisitions of this act, such clerk, sheriff, or collector, shall be fined at the discretion of the court aforesaid, for the use of the county, in any sum not exceeding one hundred dollars, to be recovered by indictment.

Officers refusing to comply fined.

§ 7. *Be it further enacted*, That the sheriffs, as collectors of the territorial taxes, shall advertise and sell the lands in their respective counties for the non-payment of taxes due thereon, between the first day of December and the first day of March, annually, which sale shall be held at the court-house of the proper county; and hereafter it shall not be requisite to offer the said lands for sale during the setting of the court, or at two successive courts; and the said

Sheriffs to sell the lands, when

[ 140 ]

sheriffs, as collectors, shall pay over the territorial tax to the territorial treasurer, on or before the first day of April, annually.

§ 9. Whereas there has been no taxes levied in the county of Clark for the year 1813, *Be it therefore enacted*, That the lister who shall be appointed under the provisions of this act, in the said county of Clark, to list the taxable property for the year 1814, shall at the same time

Lister of Clark county to take lists for the years 1813 and 1814.



take in a list of all property that was not listed for the year 1813, and return the same to the circuit court; and in all other respects, the said court, and the clerks thereof, shall govern themselves agreeably to the provisions of this act, and the act to which this is a supplement.

ISAAC DUNN, *Speaker*  
*of the House of Representatives.*  
 JAS. BEGGS, *President*  
*of the Legislative Council.*

JANUARY 5, 1814—APPROVED,  
 TH. POSEY.

CHAPTER XXXIII.

*An ACT to regulate elections.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the first general election in pursuance of this act, shall be held in the several and respective counties within this Territory, on the first Monday of August next, and on the first Monday of August biennially thereafter, which shall be held and conducted as

Elections,  
 when held.

[ 141 ]

By whom con-  
 ducted.

follows: the judges of the circuit courts, or common pleas, as the case may be, shall at their session next preceding the general election, proceed to appoint for each election district, a qualified elector, who shall take to his assistance two other qualified electors, which three persons shall act as judges of said election; and for every neglect or refusal to do and perform the services required of him by this act, the person so appointed by the court, shall be fined in the sum of fifty dollars, recoverable by indictment before any court having competent jurisdiction of the same.

§ 2. *Be it further enacted*, That no person shall be admitted to vote at any general or special election, directed to be holden by this act, other than each and every free white male person, who shall have attained the age of twenty-one years, and who shall have paid a county or territorial tax, and who shall have resided one year in this Territory, previous to any general election, and be at the time of such election, a resident of this Territory: *Provided always*, That any free male white person, having a freehold in this Territory, and being a resident of the same, may vote for members of the Legislative Council, and House of Representatives of the territorial legislature, and for a delegate to Congress of the United States for said Territory. Who may vote.

§ 3. The aforesaid judges of the election shall appoint two poll keepers, who, previous to any vote being received, shall severally take an oath or affirmation, before any justice of the peace of their respective coun- Judges appoint poll-keepers.

[ 142 ]

ties. The oath or affirmation of the poll keeper shall be, "I, A.B. do solemnly swear (or affirm,) that I will truly keep the poll of this election, to commence here this —— day of —— for a member (or members, as the case may be) to represent this county (or Territory, as the case may be) and that I will deliver fair and perfect entries thereof to the judges of the same election, at the close thereof, to the best of my knowledge and abilities." The aforesaid judges shall open the election at ten o'clock A.M. and continue the same until six o'clock P.M. of the same day, when it shall close.

§ 4. *Be it further enacted*, That it shall be the duty of the poll keepers, respectively, to attend at the election during the continuance thereof, and to enter the name of all voters in columns under the names of the person or persons for whom they respectively vote, and at the Duty of the poll keepers.

§ 4, l. 3. In the enrolled act the last word is "names" instead of "name."—Ed.

close of the election, to number the votes which every person voted for, has received, and then and there deliver their respective books of entries, with their names respectively thereto subscribed, to the judges of the election.

Manner of  
voting.

§ 5. *Be it further enacted*, That every elector shall vote once, and no more, in any election for Representatives; and the manner of voting shall be, by the elector at any time, while the poll of the election is open, to approach the bar, in the election room, and addressing the judges of such election in his proper person, in an audible voice, to be heard by the judges of the election and poll keepers thereof, to mention by name the per-

[ 143 ]

son or persons, to the number of representatives or officers to be chosen by such district, and the poll keepers shall enter his vote accordingly, and then he shall withdraw.

Notice affixed  
to the outer  
door.

Judges,  
their duties.

§ 6. *Be it further enacted*, That at the time and place of holding elections, and before the poll begins, the person appointed by the court shall affix at the outer door of the house in which the election shall be held, a notice in writing, expressing the officers to be elected at the ensuing election, and the names of the persons whom he hath selected as assistant judges thereof; and previous to any votes being received the assistant judges, and the persons so appointed by the court, shall severally take an oath or affirmation, before some person qualified to administer oaths; and should no such person be present, then one of them shall administer an oath to the other, and the judge to whom the oath shall so be administered, shall administer to the other two. The oath or affirmation shall be, "I, A.B. do solemnly swear (or affirm) that I will duly attend the ensuing election, during the continuance of the same, and that I will truly assist the other judges thereof, to the best of my ability, according to law; and that I will endeavor to prevent all fraud, deceit

and abuse in carrying on the same." It shall be the duty of the judges of the election to preserve order and regularity in conducting the said election, to receive the votes of all persons who to them may appear to be duly qualified electors, and where they entertain doubts, they may interrogate such person on

[ 144 ]

oath, touching his qualifications as an elector; and it shall be their further duty to observe that the poll is fairly kept, and at the close of the election to proclaim the person or persons (if more than one are to be elected) highest in votes, duly elected.

§ 7. *Be it further enacted*, When any writ of any occasional election shall be issued by the governor, in case of the death or removal from office of any representative or counsellor, the same writ shall be directed to the sheriff or sheriffs of such county or district, respectively, for which such representative or counsellor, who is dead, or removed from office, shall have been elected; and the sheriff or sheriffs, on receiving the writ, shall forthwith give due and public notice throughout the county or counties, at least five days before holding such election, and the same shall be holden within twenty days after the writ of election is received by the sheriff, and conducted in like manner aforesaid.

Sheriff receiving writ of special election, how to proceed.

§ 8. *Be it further enacted*, That if any candidate or elector of the proper county, who choose to contest the validity of any election, or the right of any person proclaimed duly elected in any county, to his seat in the Legislature, such person shall give notice in writing to the person whose election he means to contest, or leave a written notice thereof at the house where such person last resided, within ten days after such election, expressing the points on which the same shall be contested, and shall within the same time give notice to the coroner of the county, who shall thereupon summon

Manner of contesting elections.

[ 145 ]

two judges of the court of common pleas, or the circuit court, as the case may be, of the same county, who shall be severally obliged to attend, under the penalty of fifty dollars. The said coroner shall appoint a place and time for the said two judges as aforesaid to meet within the said county, which shall be within twenty days after the election. The said two judges, and every of them, shall have power to issue subpoenas and compel the attendance of witnesses, required to give evidence, under the penalty of fifty dollars, to be levied on each and every delinquent, who hath been duly served with process; and the said two judges so met shall hear and certify under seal, all testimony relative to the said contested election, to the House of Representatives at their next session. No person shall contest any election, unless he be an elector of that county in which the election is held, nor shall any testimony be received, which does not relate to the points specified in the notice. Copies, attested by the person who delivers or leaves said notice, shall be delivered to the said judges.

By whom it  
may be done.

Obtaining  
votes by bri-  
bery.

§ 9. *Be it enacted*, That no candidate, or other person for him, shall attempt to obtain votes by bribery, or treating with meat or drink; and any person so offending, shall be incapable of holding a seat in either branch of the legislature, for the space of two years next thereafter; or if any person, in order to obtain votes, either for himself or any favorite candidate, shall make any sham conveyance of land title, or lease of land, to any person, with an intent of en-

T

[ 146 ]

abling him to vote, every person so offending by making such sham conveyance, title, bond or lease, shall, on conviction thereof, forfeit for every such offence the land so intended to be conveyed, sold or leased, to the Territory;



and every person so offending, by receiving any such sham conveyance, title, bond or lease, shall, on conviction thereof, forfeit the value of the land so pretended to be held by such pretended title, to the use of the Territory.

§ 10. *Be it further enacted*, That for all services done in pursuance of this act, in conducting the elections and making return thereof, by the persons appointed by the court to the clerk of the court, by the judges and poll keepers respectively, in each and every election district, such person shall receive each the sum of one dollar, to be allowed by the court of claims and paid out of the county treasuries.

Compensation for services.

§ 11. *Be it further enacted*, That no sheriff, clerk or judge of any court, or person holding a commission during pleasure, directly under the United States, or this Territory, except justices of the peace and militia officers, shall be eligible to a seat in either house of the legislature.

Who are not eligible.

§ 12. *Be it further enacted*, That every superintendent of an election district, shall within five days after such election, repair to the seat of justice of his county, and deposit a statement of the election of his district, together with one of the lists of the poll keepers with the clerk of the court, who shall deposit the same in his office, subject to a call of a committee of the legislature, in case

Superintendent to make return within five days.

[ 147 ]

of contested elections; and the clerk of the court and the sheriff of the county, assisted by a justice of the peace, shall, within five days after the election, compare the returns from the several districts, and proclaim the persons having the highest number of votes duly elected. And the clerk or sheriff shall furnish the person or persons so elected, with a certified copy of his election, ten days at least before the meeting of the legislature.

§ 13. *Be it further enacted*, That returns of the election of counsellors shall be made as follows: when the returns of the respective counties shall have been made to the clerks thereof, the sheriffs of the counties which

Returns of election of counsellors how made.

compose that district, shall meet at the seat of justice of the county first named in the governor's proclamation apportioning the said districts, or at such other place as they may agree on, and shall transmit returns of the counsellors' elections to each clerk's office within the district, within ten days after the election; which clerks shall transmit certified statements of such returns, together with the returns of his own county, to the office of the secretary of the Territory; and said secretary, together with the governor, are hereby authorized and required, within five days after receiving the returns from the several counties, which respect the election of a delegate to Congress, to proclaim the person highest in votes duly elected; and the governor shall immediately forward to such person a certificate of his election.

§ 14. *Be it further enacted*, That all laws and parts of laws heretofore made, regula-

[ 148 ]

ting elections in this Territory, be, and the same are hereby repealed.

ISAAC DUNN, *Speaker*  
of the House of Representatives.  
JAS. BEGGS, *President*  
of the Legislative Council.

JANUARY 5, 1814—APPROVED,

TH. POSEY.

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#### CHAPTER XXXIV.

*An ACT supplementary to an act authorising the granting of letters testamentary and letters of administration for the settlement of Intestates' Estates, and for other purposes.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the*

*authority of the same*, That it shall be the duty of the several courts, and clerks of courts, within this territory, on taking proofs of last wills and testaments, previous to granting letters testamentary thereon, to require the executor, executrix, or executors, to give bond and security, similar in all respects to that which is required of administrators, except the necessary alterations in the terms; and the said bonds, so taken, shall be of equal force and effect, to all intents and purposes, with that which is required of administrators, by the act to which this is a supplement.

Executors  
to give bond.

§ 2. *And be it further enacted*, That when any letters testamentary shall be granted, and no bond with securities given, as this law requires, such letters testamentary shall

Letters tes-  
tamentary  
void without  
bond.

[ 149 ]

be and they are hereby declared void and of none effect; and the clerk or judges of the court that granted the same, as the case may be, shall be, *ipso facto*, liable to pay all such damages as shall accrue to any person or persons by occasion of granting such letters testamentary, and the person or persons to whom such letters testamentary are so granted, may be sued as executor, in his or their own wrong, and shall be so deemed and taken, in any suit brought against him or them, for or by reason of his, her or their executorship.

§ 3. *And be it further enacted*, That if it shall appear that the said clerk or courts have not taken sufficient sureties, and that the executor, executrix, or executors, are not of ability to answer or make good the value of what the decedent's estate doth or shall amount to, then the said court are hereby required and authorised to cause such executor, executrix or executors to give better securities to said court, in the same manner, upon the same principles and under the same rules and regulations, that is provided by the law to which this is a supplement, to cause administrators to give better securities;

Where securi-  
ties are in-  
sufficient,  
court to cause  
better to be  
taken.

and in case any executor, executrix or executors, shall neglect or refuse to give bond, with better securities, as aforesaid, then and in every such case the court shall forthwith, by their sentence, revoke or repeal the letters testamentary by such clerk or court so granted to such executor, executrix or executors, and thereupon grant letters of administration to such person or persons as shall appear to be best en-

[ 150 ]

titled thereto, and will give bond and security, in manner and form aforesaid; who shall have their actions of trover or detinue against such executor, executrix or executors, whose letters testamentary have been so revoked or repealed, for all such goods or chattels as shall have come into their possession by virtue of such letters testamentary so revoked or repealed, and shall be detained, wasted or misapplied by them, or any of them, and for which no satisfaction has been made.

Wills, when  
proven.

§ 4. *And be it further enacted*, That all last wills and testaments, which have been heretofore made, or that may hereafter be made, shall and may be proven within three years after the death of the testator; any law, usage or custom to the contrary notwithstanding.

This act to take effect from and after its passage.

ISAAC DUNN, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

JANUARY 5, 1814—APPROVED,

TH. POSEY.

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CHAPTER XXXV.

*An ACT allowing compensation to the members and officers of both Houses of the Legislature, at the present session, and for other purposes.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That each and every member of the Legis-

Members,  
their compen-  
sation.

[ 151 ]

lative Council and House of Representatives, shall be entitled and receive out of the territorial treasury, upon the warrant or warrants of the auditor, as in other cases, for each and every day's attendance on the Legislature, at the present session, the sum of two dollars and fifty cents per day, and shall moreover be allowed the sum of ten cents per mile, for travelling to and from the town of Corydon, by the most usual road.

§ 2. *Be it further enacted,* That the clerk of the Legislative Council, and the clerk of the House of Representatives, shall in like manner receive for their services, respectively, the sum of four dollars per day; and the door keeper of both houses shall receive for his services the sum of one dollar and fifty cents per day; and to Isaac Blackford and George R. C. Sullivan the sum of fifteen dollars, each, for their services in furnishing William Hendricks with a copy of the Journals of the House of Representatives and of the Legislative Council of the present session; and to William Hendricks, the sum of five dollars for paying the postage on the Journals of both houses of the Legislature, in conveying them by mail from Jeffersonville to the office of the Western Eagle, at Madison.

Clerks' and  
door-keep-  
ers' compensa-  
tion.

§ 3. *Be it further enacted,* That the compensation which shall or may be due to the members and clerk of the Legislative Council, shall be certified by the president thereof; and that which shall or may be due to the members and clerk of the House of Representatives, and the door-keeper of both houses, and other persons herein named,

Compensa-  
tion certified  
by the speak-  
ers of each  
house.



[ 152 ]

shall be certified by the Speaker of the House of Representatives; which certificate or certificates shall be to the Auditor, or the proper officer, sufficient evidence of the claim; and he shall issue warrants thereupon, to the several officers, members, and persons aforesaid, payable at the territorial treasury, as in other cases.

Contingent  
fund

§ 4. *And be it further enacted*, That the sum of one hundred dollars, be and the same is hereby appropriated for contingent expences; and the said fund shall be subject to the order of the governor, for expresses and other incidents, which cannot now be foreseen, by the two houses, a statement whereof shall be by him laid before the legislature at their next session; and that all expresses sent by the commanding officers of divisions, brigades or regiments, within the Territory, relative to militia services, shall be paid out of said fund, on the order of the governor.

ISAAC DUNN, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

JANUARY 5, 1814—APPROVED,  
TH. POSEY.

## CHAPTER XXXVI.

*An ACT making certain specific appropriations.*

For station-  
ary.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That there shall be and is hereby allowed

[ 153 ]

to Thomas Armstrong, the sum of twenty-one dollars, and to Davis Floyd the sum of fifteen dollars fifty-five

cents, for stationary furnished to both houses of the legislature during the present session; to Davis Floyd, as auditor, for stationary for his office, and for postage, as on account, the sum of nineteen dollars; which sum the treasurer is hereby directed and enjoined to pay out of any money, or out of the first monies which may come into the treasury, on the warrants of the treasurer. To William Branham, for fire-wood and candles furnished to both houses of the legislature during the present session, fifteen dollars, to be paid at the territorial treasury, on the warrants of the treasurer. To William Hendricks, for printing five hundred copies of the laws, civil, criminal and military, passed at the present session of the legislature, the sum of one dollar and twenty-five cents per page (octavo page) and two cents for stitching each copy. To the said William Hendricks, for printing five hundred copies of the militia law passed at the present session of the legislature, the sum of one dollar and twenty-five cents per page (octavo page) and two cents for stitching each copy; and so soon as the printing and stitching of said laws shall be completed, the territorial treasurer is hereby authorized to issue his warrants for the same, payable at the treasury, as in other cases.

Firewood and  
candles.

Printing.

§ 2. *Be it further enacted,* That so soon as the laws of the present session may be completed by the printer, he shall imme-

Laws how dis-  
tributed.

U

[ 154 ]

diately forward forty copies of the civil, criminal and military laws to the clerk's office of the several counties, to be distributed to the civil officers, and forty copies of the militia laws to the said office, (to be under the care and distribution of the colonel of the county) and the expense of the said transportation of the said laws shall be paid out of the territorial treasury, on the warrants or warrant of the treasurer; and the residue of the laws

shall, by the printer, be delivered in the secretary's office for the territory; the expense of transportation shall be paid as above.

§ 3. *And be it further enacted*, That the secretary of the Territory shall deliver the enrolled bills, passed at the present session, to the printer, taking his receipt for the same; and the said printer shall, after the printing is completed, and at the time he deposits the laws agreeably to the act, in the office of the secretary, he shall return the enrolled bills.

Act of the au-  
ditor legal-  
ized.

§ 4. Whereas Davis Floyd, auditor, hath represented to this legislature, that he audited to James Johnson, ex-treasurer, twenty-four dollars, his salary from the fourth March, to the twenty-sixth April 1813, and to William Prince, former auditor, thirty-six dollars and sixty-six and two thirds cents, part of his said salary from the 17th February till 29th May, and that he is doubtful whether he was authorized by law so to do: *Be it therefore enacted*, That the act of the auditor, in auditing the above sums to the

[ 155 ]

former auditor and treasurer, be, and the same is hereby legalized.

ISAAC DUNN, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

JANUARY 5, 1814—APPROVED,

TH. POSEY.

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## CHAPTER XXXVII.

*An ACT directing the mode of changing the Venue.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and*

*it is hereby enacted by the authority of the same,* That all suits or actions now pending or hereafter to be instituted in the courts of common pleas of this territory, where either of the parties in the suit shall fear that he, she or they will not receive a fair trial, in the court where it is pending, owing to the interest or prejudice of the judge or judges of the court where the suit is pending; or that his defence is odious, though legal; or that the sheriff or coroner is interested or prejudiced; or that the adversary of the person applying has an undue influence over the minds of the citizens of the county where the suit is depending, it shall be lawful for the said party to petition two judges of the court, if he fear the interest or prejudice of but one judge, or if he fear the interest or prejudice of more than one judge, then it shall be lawful for the said party to petition one judge of

Causes of a  
change of  
venue.

[ 156 ]

the court aforesaid where the cause or action may be pending, for a change of venue, distinctly setting forth the cause of fear that he will not receive a fair trial; and in either case, on making affidavit to the facts and causes alleged, the judge or judges shall, under his hand, award a change of venue, and order the clerk of the court where the suit is pending to send forward the papers in the suit by the person applying for the change of venue, to such court, having jurisdiction in similar cases, as the said judge may direct; and the clerk of such court shall receive them, and give a credit for them, and docket the suit in order; and the court shall have full power and jurisdiction to award subpœnas for witnesses, to enforce their attendance, to grant commissions for taking depositions, to hear and determine the said controversy.

§ 2. *Be it further enacted,* That the party praying a

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P. [156], l. 11. In the enrolled act the word between "a" and "for" is "receipt" instead of "credit."—Ed.

Persons applying for a change of venue to carry the papers, and to file a bond in the clerk's office for the safe deposit of the same.

change of venue, shall carry the papers from one county to the other, and shall, before he receive them from the clerk, file a bond in the clerk's office, with approved security, in the sum of five hundred dollars, payable to the adverse party, conditioned for the safe deposit of the papers delivered to him, in the clerk's office of that county to which they may have been ordered by the judge or judges; and the clerk delivering such papers, shall make out a list or schedule of the papers so delivered, which list or schedule he shall file in his office, to compare with a receipt for said papers, which the clerk receiving the same is hereby required to give to the carrier of the same. And the costs to abide the event of the suit.

[ 157 ]

Petitioner deposit the order of the judge.

§ 3. *Be it further enacted*, That the venue in no case shall be changed, unless the petitioner deposit the order of the judge for removing it, together with the petition and affidavit aforesaid, which shall be carefully preserved by the clerk, at least thirty days before the court to which the suit shall be set for trial.

§ 4. *Be it further enacted*, That the venue may be changed from the general court to any of the circuits, or from one circuit to another, or from the circuit to the general court, in the same manner and under the same regulations as are above provided for the change of venue from one court of common pleas to another; and also, the following shall be good cause for changing the venue from the general to the circuit court, or from one circuit to another, in addition to the above causes, to wit: where a majority of the witnesses reside in a different county from that where the venue is laid; and that the act directing the mode of changing the venue, passed March 1st, 1813, be and the same is hereby repealed.

This act to be in force from and after the passage thereof.



ISAAC DUNN, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

JANUARY 5, 1814—APPROVED,  
TH. POSEY.

[ 158 ]

CHAPTER XXXVIII.

*An ACT authorizing certain instruments of writing to be assignable.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives*, That all bonds or other instruments of writing that shall hereafter be made, or have heretofore been made and assigned, by any person or persons, body politic or corporate, whereby such person or persons, body politic or corporate, promise to convey any property or perform any conditions therein mentioned, and every such bond or other instrument of writing shall be assignable, by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as to absolutely transfer and vest the property thereof in each and every assignee or assignees successively, and such assignee or assignees may bring the suit in his, her or their own name, and recover judgment thereon, reserving to such obligor such legal and equitable defence, which he might make, in the same manner as if the suit had been commenced by the obligee.

ISAAC DUNN, *Speaker*  
of the *House of Representatives*.  
JAS. BEGGS, *President*  
of the *Legislative Council*.

JANUARY 5, 1814—APPROVED,  
TH. POSEY.

CHAPTER XXXIX.

*An ACT fixing the time of the annual meeting of the legislature, until altered by law.*

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the next meeting of the legislature of this Territory, shall be at the seat of government, on the first Monday in December next, and on the first Monday in December annually.*

ISAAC DUNN, *Speaker*  
*of the House of Representatives.*

JAS. BEGGS, *President*  
*of the Legislative Council.*

JANUARY 5, 1814—APPROVED,

TH. POSEY.

## RESOLUTIONS.

— \* —

### A RESOLUTION

*For the relief of John Vawter.*

WHEREAS it has been represented to this Legislature, by John Vawter, that the relief given to the several sheriffs, by a law authorising the judges of the several courts of common pleas to correct the land lists, on application of the sheriffs, &c. has not been granted him by the court of common pleas of Jefferson county; and the said petitioner having memorialized this Legislature to "authorise the auditor, or some other person or persons, to give him that relief which may appear just and right:" therefore,

*RESOLVED* by the Legislative Council and House of Representatives, That the auditor be, and he is hereby required, to adjust with, and give John Vawter, sheriff of Jefferson county, all the relief that he was entitled to from the judges of the court of common pleas of said county, under an act entitled "an act for correcting duplicates or assessments of the lands within this territory, and for other purposes," passed and approved the ninth day of March, 1813.

JAMES NOBLE, *Speaker*  
*of the House of Representatives.*

JAS. BEGGS, *President*  
*of the Legislative Council.*

DECEMBER 21, 1813—APPROVED,

TH. POSEY.

[ 161 ]

## A RESOLUTION

*Appointing a committee to examine the Treasurer's Office.*

*RESOLVED* by the Legislative Council and House of Representatives, That David Robb, Isaac Blackford, James Brown, Walter Willson, George R. C. Sullivan and R. M. Heth, or any two of them, be and they are hereby appointed a committee to examine the treasurer's office, each and every book, paper, voucher, and warrant therein, or in any wise appertaining thereto, and to examine the auditor's office books, and compare the receipts of the treasurer, deposited in the said office, with the amount of the money in the hands of the treasurer, and the warrants therein, and to write on the face of each warrant these words, "Paid at the treasury," and then deliver the same to the treasurer, to be delivered by him, together with all other documents, &c. in his office, to the territorial treasurer; and the said committee shall report to the present Legislature; and should the territorial treasurer or auditor refuse to suffer or permit the said committee to examine their offices, books, papers, vouchers, warrants, &c. as aforesaid, shall be fined in the sum of one thousand dollars, to be recovered by indictment, for the use of the territory, in any court having jurisdiction; and that all warrants that hereafter come into the treasury, the treasurer shall write the words as aforesaid, on the face of each warrant.

ISAAC DUNN, *Speaker*  
of the House of Representatives.  
JAS. BEGGS, *President*  
of the Legislative Council.

JANUARY 5, 1814—APPROVED,

TH. POSEY.

[ 162 ]

## A RESOLUTION

*Concerning the salary of the Auditor, &c.*

RESOLVED, That the territorial treasurer be, and he is hereby authorised to audit to Davis Floyd, auditor of the territory, the sum of forty dollars and sixty-two cents, the amount of his salary up to the first day of February next, the time when the office of auditor is to be abolished; and that the said treasurer be authorised to audit to General W. Johnston, the present treasurer of the territory, the sum that may be legally due him for his salary up to the first of February next, the time when the office of treasurer is to be abolished.

ISAAC DUNN, *Speaker*  
*of the House of Representatives.*  
 JAS. BEGGS, *President*  
*of the Legislative Council.*

JANUARY 5, 1814—APPROVED,

TH. POSEY.

## A RESOLUTION

*Making appropriation to Richard M. Heth.*

RESOLVED by the Legislative Council and House of Representatives, That the sum of three dollars be allowed to Richard M. Heth, for candles furnished to the secretary of the Legislative Council during the present session.

ISAAC DUNN, *Speaker*  
*of the House of Representatives.*  
 JAS. BEGGS, *President*  
*of the Legislative Council.*

JANUARY 5, 1814—APPROVED,

TH. POSEY.



## A RESOLUTION

*To authorise and require William Prince, late Auditor of public accounts, to make out an account against such collectors as he has neglected to make out accounts against.*

WHEREAS it appears from the report of the committee to whom was referred the auditor's and treasurer's reports, that William Prince, late auditor of public accounts, has neglected to open accounts against the collector of the county of Knox, for the years 1810 and 1811, and against the collector of the county of Dearborn, for the year 1811, and the books, papers, &c. of the office, have, during his continuance in office, been kept in a confused situation:

*BE it therefore resolved by the Legislative Council and House of Representatives, That the said William Prince be and he is hereby authorised and required to come forward, on or before the first day of June next, and open accounts in a proper manner against all such collectors, against whom no accounts have been properly opened, and do and perform all other necessary duties of his office, which have been by him neglected; and on failure thereof, the prosecuting attorney in the general court is hereby required to commence suit against the said William Prince, and his securities, on their bond, for the faithful discharge of the duties of his office of auditor.*

*And be it further resolved, That it shall be the duty of the secretary of the territory, at the request of the said prosecuting attorney, to deliver to said attorney, under the seal of the territory, a copy of the said William Prince's bond; which copy shall be evidence in any court of record, and deemed and to be taken as*

[ 164 ]

such, that the said attorney may be enabled to prosecute as is hereby required.

ISAAC DUNN, *Speaker*  
*of the House of Representatives.*  
JAS. BEGGS, *President*  
*of the Legislative Council.*

JANUARY 7, 1814—APPROVED,

TH. POSEY.



## INDEX

TO THE

## CIVIL AND CRIMINAL CODE.

APPEALS, how taken from justice,.....	Page 128
——— from circuits to general court,.....	129
Appropriation for stationary,.....	152
——— fire-wood and candles,.....	153
——— printing, .....	153
Auditor, his act legalized,.....	154
Bail, refusing to procure the same,.....	79
Boundaries and name,.....	91
Bill of exceptions signed by the by-standers,.....	104
Burning public buildings, how fined,.....	109
Commissioners, who and where to convene in Gibson,.....	74
——— where to convene in Warrick,.....	74
Court to fix the rates of toll bridge,.....	77
——— shall not have power to erect a toll bridge,.....	77
Collector to enter into bond,.....	84
Challenges, duty of persons having a knowledge of,.....	89
Commissioners, where to convene in Washington county,....	92
Courts, where to be held in do.....	93
——— superior, certify services,.....	95
——— where they shall be held in Warrick county,.....	100
——— to correct errors,.....	105
Clerk may direct an execution to the sheriff of another county, .....	103
——— to make out statements of territorial taxes and deliver the same to their representatives,.....	120
Creditor to receive bills as evidence of his demand,.....	120
Circuits and common pleas abolished,.....	124
Circuit courts hereafter established, have powers of former courts transferred to them,.....	124
Circuits, formation of,.....	125
——— presidents assigned and associates appointed,....	125
——— jurisdiction, .....	126
——— part of the bench competent to hold a court,....	126
——— process, .....	126
——— clerks of, .....	127

## [ 166 ]

Circuits, process issued before the promulgation of the law,	
how returned, .....	127
records and books delivered over, .....	128
Court, general, to hold one session, .....	129
circuit, to hold three sessions, .....	129
to appoint a lister, .....	136
his compensation and duties, .....	137
make out alphabetical lists, .....	138
Clerks to dispose of the same, .....	138
to exhibit on the court-house door the rate of taxation, .....	138
Collector's receipt to specify the amount, .....	139
Clerks and door-keepers, their compensation, .....	151
Compensation to be certified by the speaker of each house, ...	151
Contingent fund, .....	152
Deed, form of, .....	97
before whom acknowledged, .....	98
where recorded, .....	99
Elections, when held, .....	140
by whom conducted, .....	141
who may vote, .....	141
judges to appoint poll keepers, .....	141
sheriff receiving writ of special election how to proceed, .....	144
contesting elections, .....	144
by whom it may be done, .....	145
obtaining votes by bribery, .....	145
officers of, compensation for services, .....	146
who are not eligible, .....	146
superintendent, to make return in 5 days, .....	146
returns of counsellors' elections, .....	147
Executors to give bonds, .....	148
Fines, when collected, how appropriated, .....	89, 110
how estreated, .....	128
Form of deed, .....	97
Failing to assist a public officer, .....	110
Habeas corpus, benefit of, .....	79
and certiorari, person applying for to make out statement under oath, .....	116
Judges to erect necessary buildings, .....	93

## [ 167 ]

Informers, voluntary, liable for costs, .....	93
same before a justice, .....	94



Judges to appoint the prosecuting attorneys,.....	95
Instruments of writing not under seal, evidence,.....	102
Jeofails, .....	104
Justices neglecting to pay over money, dealt with in a summary way, .....	107
Listers of Clark county, to take lists for the years, 1813-14,...	140
Laws, how distributed,.....	153
Members, their compensation,.....	150
_____ apportionment of, .....	101
_____ new counties to be represented,.....	101
Offices, former abolished,.....	117
Oath of officers of the legislative department,.....	86
_____ executive, .....	87
_____ judicial, .....	87
_____ attorneys, what, .....	88
_____ certified to the clerk of the court,.....	88
Pilots exempt from militia duty,.....	96
Practising physicians ineligible,.....	131
Parents or Guardians accountable for non-attendance of minors, .....	132
Penalty on failure of the administrators and securities of John M'Canless, &c.....	135
Plaintiff in arrear, finding for, repealed,.....	104
_____ may require the defendant to answer on oath, or <i>vice versa</i> ,.....	115
Plan of town to be recorded,.....	113
Rights and privileges,.....	92
Representatives allowed for new counties,.....	101
Roads, persons 16 years of age shall work thereon,.....	132
Suit, persons gaining, in civil cases, not liable for costs,.....	94
Salary of attorney-general, abolished,.....	96
Sheriff or coroner failing to return process, how dealt with,.	106
Slander, .....	110
Summons, in all cases except a <i>capias</i> be required,.....	115
Secretary to transmit certified copies,.....	130
Suits commenced in the general court, transmitted to the circuit, .....	130
Supervisor, his compensation,.....	133
Sheriffs, when to sell lands,.....	139

## [ 168 ]

Securities, where insufficient,.....	149
Toll bridge, .....	77
_____ owners to enter into bond,.....	77
_____ court to fix the rates of,.....	77

514 INDIANA HISTORICAL COLLECTIONS

Trustees, who appointed by law,.....	80, 111
——— how in future elected,.....	81
——— have power to impose taxes,.....	81
——— appoint a lister,.....	82
——— remove nuisances, .....	82
——— appoint a collector and enforce obedience to by-laws, .....	83
——— power to enact by-laws,.....	84
——— erect market house,.....	84
——— keep public well in repair,.....	84
——— monies collected, how appropriated,.....	84
Trespassing on public property fined twofold,.....	110
Trustees for Charlestown, how elected,.....	112
——— appointment of a clerk and assessor,.....	112
——— their duties, .....	112
——— levy a tax,.....	112
——— appoint a collector,.....	113
——— power to make by-laws,.....	114
Treasurer, governor to appoint the same,.....	117
——— to give bond,.....	118
——— make lists of accounts and present them to the legislature, .....	118
——— keep a record of warrants,.....	119
——— receive listers' books and charge collectors,.....	119
——— keep account of monies received and paid out,...	119
——— and auditor, to deliver over books and papers,...	121
Trustees of Jeffersonville, power to make by-laws,.....	123
——— give publicity to the same,.....	124
Territorial treasurer, to furnish the prosecuting attorney with vouchers, .....	135
Testamentary letters, void without bond,.....	148
Vacancies of seats in the legislature, how filled,.....	101
Verdict to carry full costs,.....	94
Venue, causes of a change,.....	155
——— person applying for, to carry papers,.....	156
——— file bond for safe deposit,.....	156
——— petitioner to deposit the order of the judge,.....	157
Witnesses, .....	89
Wills, when proved,.....	150

A C T S  
OF  
ASSEMBLY  
OF THE  
INDIANA TERRITORY,  
PASSED AT THE  
FIRST SESSION  
OF THE  
FIFTH GENERAL ASSEMBLY  
*OF SAID TERRITORY,*

BEGUN AND HELD AT THE TOWN OF CORYDON, ON MON-  
DAY THE FIFTEENTH DAY OF AUGUST, A. D. ONE  
THOUSAND EIGHT HUNDRED AND FOURTEEN.

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MADISON:  
*PRINTED BY JACOB RHOADS,*  
PRINTER TO THE TERRITORY.

— \* —

1814.



# ACTS

OF THE

## INDIANA TERRITORY.

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### CHAPTER I.

*An ACT to adjourn the General Court.*

APPROVED—AUGUST 20, 1814,

SEC. I. **B**E it enacted by the Legislative Council and House of Representatives, That the session of the general court, to be by law, held on the first Monday in September next, at Corydon, shall be adjourned until the second Monday in March next, and all process, suits, actions, indictments, informations, motions, rules to shew cause, pleas, complaints, presentments, recognizances, and all manner of business, now remaining in and before said court, to be done, shall be, by virtue of this act, continued until the said, second Monday of March next.

When ad-  
journed.

This act to take effect from and after its passage.

[ 4 ]

### CHAPTER II.

*An ACT establishing Circuit Courts.*

APPROVED—AUGUST 30, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That circuit courts shall be and the same are hereby established courts of record within this Territory, and shall be held in each and every county in said Territory, in manner and form following: that is*

Circuit  
Courts es-  
tablished  
courts of re-  
cord.



Counties  
forming  
each circuit.

to say the counties of Knox, Gibson and Warrick, shall compose and be the first circuit, the counties of Washington Harrison, Clark and Jefferson shall compose and be the second circuit, and the counties of Dearborn, Franklin and Wayne shall compose and be the third circuit and the judges of the said courts shall hold three terms, at the place appointed by law for holding said courts, in each and every year hereafter; and the said courts so holden in each county, shall be called and stilled ——— circuit according to the name of the county in which it is holden.

Circuit  
Judge to be  
learned in  
the law

§ 2. *And be it further enacted*, That each circuit court shall consist of one circuit judge learned and experienced in the law, and who shall have regularly practiced law in some of the courts in the United States or this Territory at least three years, who shall preside in said court, and two associate judges who shall be resident in the county wherein the court is held to which

[ 5 ]

Two associ-  
ates or the  
circuit  
judges and  
one asso-  
ciate form a  
court.

they are or may be appointed. The circuit judge or in his absence, the two associates, or the circuit judge and one associate, shall form a quorum and be competent to hold the court, but the circuit judge alone shall not, nor shall the two associate judges, be competent to try any criminal offence the punishment whereof shall extend to life, limb or imprisonment for two years, unless the offender or offenders, shall voluntarily by petition to the court express his, her, or their desire to be tried before the circuit judge alone, or otherwise the trial of such offender or offenders shall be continued over until the next term of the court: *Provided nevertheless*, That in no case shall the associate judges be competent to try such offence or offences as is herein above excepted.

Two asso-  
ciates can-  
not try cri-  
minals.

L. 8. In the enrolled act the words "county in this Territory in each and every" appear between the words "every" and "year."—ED.

§ 3. *And be it further enacted,* That the circuit courts established by this act, shall have jurisdiction in each and every county in this Territory in and over all crimes and misdemeanors of whatsoever nature or kind the same may be committed within the counties of the circuits aforesaid, and shall and may hear and determine the same, and sentence give and execution award according to the course of the laws that now are or hereafter may be in force in this Territory, and shall moreover have original jurisdiction in all causes matters and things at law and shall have full cognizance of all actions, real, personal and mixed, within their respective circuits, and shall

Circuit courts to have cognizance and award sentence.

[ 6 ]

likewise have full power and authority in their respective circuits to issue writs of mandamus, writs of dower, writs of certiorari, writs of partition, writs of view, writs of quowarranto, writs of habeas corpus, writs of error-coramnobus, writs of replevin and writs of neexeat and proceed thereon to final determination according to law.

Shall issue writs.

§ 4. *And be it further enacted,* That the three circuit judges required by this act, shall be citizens of the United States, resident in this Territory, and shall be appointed and commissioned by the Governor, and hold their offices during good behaviour, and shall be allowed the annual salary of seven hundred dollars each, during the time they hold their offices, to be paid to them quarterly yearly, out of any money in the treasury by the treasurer thereof, or any person legally authorized to pay money out of the Territorial treasury, and the associate judges shall be two fit persons resident in the county wherein the court is held to which they are appointed, and shall be appointed and commissioned by the Governor, and hold their offices during good behaviour, and shall be stilled the associate judges of ——— circuit according to the name of the county wherein the court is held, to which they are or may be appointed, and shall receive for their services two dollars for each and every

Circuit judges to be citizens of U. States.

To be commissioned.

Sallary.

Associate judges their sallary.

day they shall serve in court and no more, to paid out of the treasury of the county in which they reside.

## [ 7 ]

To be sworn.

§ 5. *And be it further enacted*, That before any circuit judge or associate judge shall be permitted to enter upon the duties of his office, he shall take an oath or affirmation to support the constitution of the United States, and that he will administer justice without respect of persons, and do equal right to the rich and the poor, and that he will faithfully and impartially discharge the duties of a circuit judge, (or an associate judge as the case may be) to the best of his abilities and understanding agreeably to the constitution and laws of the land, which oath or affirmation shall be taken before the Governor, or such person as he may have appointed, or may hereafter appoint in each county for administering oaths of office in this Territory.

Sheriff to adjourn.

§ 6. *And be it further enacted*, That if a quorum of the judges shall not appear by four o'clock in the evening on the day appointed for holding the court, and the court shall not be opened in consequence thereof, the sheriff or other proper officer may and shall adjourn said court from day to day for two days, and if there should not then be a quorum to hold the said court, it may and shall be lawful for said sheriff or other proper officer to adjourn the same until court in course: *Provided however*, That if no officer shall attend to adjourn the court, the court shall stand adjourned till court in course.

§ 7. *And be it further enacted*, That the said circuit and associate judges or any one

## [ 8 ]

of them shall have full power and authority, both in and out of court to act as conservators of the peace and to

L. 1. In the enrolled act the word "be" appears between the words "to" and "paid."—ED.

take all manner of recognizances and obligations, which said recognizances and obligations, shall be made to the United States, and all recognizances for any offence or suspicions of offence or for the peace, good behaviour, or appearance which shall be taken by the said judges, or any one of them out of court shall be returned to the next circuit court to be holden in the county where the same is taken, and the said circuit courts or any one of them shall have full power and authority to issue process into any county in this Territory against any person or persons who may have forfeited, or hereafter may forfeit any such obligation or recognizance as aforesaid, and proceed according to law to levy and collect the same and the money when collected shall be by the proper officer paid into the Territorial treasury.

Judges to take recognizances.

To issue process.

Fines when paid.

§ 8. *And be it further enacted*, That to the end that all and every person and persons, indicted or out lawed for felonies or other offences in one county who shall remove into or dwell in another county may be brought to justice in the proper county where the offence was committed, it is hereby directed that the said court may issue their writ or writs, or any other legal process, or any one of the judges thereof in vacation, may issue his warrant or warrants, or any other legal process, to all or

Persons indicted where tried.

Judges to issue process.

[ 9 ]

any of the sheriffs or other proper officer or officers of said county, or counties, to take such person or persons so indicted, or out lawed; and it shall be lawful for the said courts to issue subpoenas, and other process into any county in this Territory, for summoning or bringing any person or persons before them to give evidence in and upon any matter examinable, and triable, or that hereafter may be examinable and triable before them, or either of them under such penalties as are, or hereafter may be by law regulated, with respect to such writs, warrants, subpoenas or other legal proces, they shall likewise have power and authority as often as necessity may re-

Send for witness's.



quire it to issue *dedimus's*, for the examination of witnesses, agreeably to the regulations which are or hereafter may be established by law.

Governor to  
appoint a  
clerk.

§ 9. *And be it further enacted*, That the Governor shall appoint and commission a clerk for the circuit court, in each of the counties of this Territory, who shall hold his office during good behaviour, and be entitled to receive such fees as now are or hereafter may be allowed by law for his services.

Clerks to  
attest writs.

§ 10. *And be it further enacted*, That all writs and process, issuing out of the said courts, shall run in the name of the United States, and bear test in the name of the clerk that issued the same, and be dated when they issue, and be sealed with the Judicial seal of said court, and made returnable according to law.

## B

### [ 10 ]

Courts to is-  
sue all sorts  
of writs rules  
&c.

§ 11. *And be it further enacted*, That the said circuit court shall have full power to issue all sorts of writs, rules, orders, and process, of whatsoever nature or kind, which may be necessary in the course of their proceedings, for carrying into full and complete effect all matters and causes by this act given them in charge, or which may in any wise belong or appertain to their jurisdiction, although the same may not be herein specially set down or named, as fully and completely as if the same had been herein set down and named.

Circuit jud-  
ges to admit  
attornies and  
counsellors at  
law.

§ 12. *And be it further enacted*, That the said circuit judges shall have full power and authority to license and admit attornies and counsellors at law, to practice therein, in the same manner and under the same rules and regulations, that attornies and counsellors at law are licenced and admitted to practice in the general court of this Territory.

§ 13. *And be it further enacted*, That this act shall take effect and be in force from and after the passage thereof.



## CHAPTER III.

*An ACT to transfer the business of the former Circuit Courts, into the circuit courts last established, and for other purposes.*

APPROVED—SEPTEMBER 1, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, That*

[ 11 ]

all suits, actions, pleas, complaints, indictments, presentments, informations, prosecutions and causes both civil and criminal of whatsoever nature or kind they may be, now depending in the former circuit courts, or those that may hereafter be instituted in the courts aforesaid, previous to the promulgation of this act, together with all the records, memorandums, documents, process, proceedings, rules, orders, petitions, papers and writings belonging to the same, or any of them, in each of the former circuit courts aforesaid in this Territory, shall be and the same are hereby transferred into the present or last established circuit courts, in the same order and condition, that they may remain in the said former circuit courts when this act takes effect; & the said present or last established circuit courts, shall take up the same and proceed thereon to final judgment & execution, in the same manner as if no alteration had been made in said courts, and as if the same had been originally instituted in the said last mentioned courts.

Transferring the business from the former circuit courts to the last established.

Proceed to final judgment.

§ 2. *Be it further enacted, That* all records, books, deeds, memorandums, dedimus's, exhibits, papers, & writings of whatsoever nature or kind, belonging, or appertaining to the office, or offices of the old circuit courts, shall be by the clerks of the same courts, in each and

Clerks of the former circuit courts to deliver books papers &c.

§ 2, l. 2. In the enrolled act the third word is "documents" instead of "dedimus's."—ED.

every county delivered over to the clerks to be appointed for the present or last established circuit courts, within ten days after this act comes in

## [ 12 ]

force or takes effect, under a penalty of two thousand dollars, to be recovered by indictment for the use of the county where the offence was committed.

Appeals from judgments of Justices of the peace.

§ 3. *Be it further enacted*, That appeals may and shall be taken from the judgments of Justices of the peace, to the circuit courts established under the act passed at the present session, establishing circuit courts, in the same manner as is provided by law, in cases of appeals from the said Justice to the common pleas, and the Judges of the said circuit courts established at the present session, shall have the same authority, power and jurisdiction in regard to the said appeals as also in awarding writs of certiorari, and detirmining upon the same, upon the return to the circuit courts last aforesaid, and all things touching the same, as is provided by law in respect of appeals and writs of certiorari from the said Justices to the courts of common pleas.

Court award writs of certiorari.

Courts shall appoint prosecuting attorneys.

§ 4. *Be it further enacted*, That the Judges of the circuit courts in each county, shall exercise the same powers, in the appointing of prosecuting attorneys in their courts, and exercise all other powers as the Judges of the courts of common pleas, under the act entitled an act to amend an act, entitled an act to amend an act, regulating the admission and practice of attorneys and counsellors at law, and for other purposes; and which appointment shall have the same operation as is provided by the above recited law.

## [ 13 ]

Superior courts to certify to the circuit courts.

§ 5 *Be it further enacted*, That the superior courts in each county, if any there be, shall certify to the circuit courts in each county, of the services having been performed by the prosecuting attorney, who shall make an

allowance to the said prosecuting attorney, and certify it to the proper officer, who shall pay the same, if he has funds of the county in his hands.

§ 6 *Be it further enacted*, That the act entitled an act, authorising the Judges of the court of common pleas, to hold special courts for the purposes therein named, be and the same is hereby repealed.

Specia courts  
repealcb.

#### CHAPTER IV

*An ACT to appoint a lister for Clark county.*

APPROVED—SEPTEMBER 1, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That Joseph Bartholemew be, and he hereby is appointed lister in and for the county of Clark, to list the taxable property therein, subject to taxation for the years 1813 and 1814, to be listed in the same manner as if the same had been done in its proper time; and the said lister shall perform said services on or before the first day of November next.

Appointing  
a listerfor  
Clark county,

§ 2. *Be it further enacted*, That the court next to be holden for doing county business for that county, shall proceed to have the tax on said property rated and collec-

Tax to be ra-  
ted and col-  
lected.

[ 14 ]

ted in the same manner, and under the same regulations as if it had been done in its proper time, and the court shall allow said lister, a reasonable compensation for such services.

§ 3. *Be it further enacted*, That as soon as the sheriff shall receive his duplicate from the clerk, he shall proceed to collect, and when he shall have collected, to pay to the Territorial treasurer the amount due the Territory, on or before the first day of May next, who is hereby authorised to receive and receipt therefor, in the same

Shereff to  
collect and  
pay over.

manner as if it had been collected and paid in its proper time.

Sheriff to appoint a lister.

§ 4. *Be it further enacted*, That if Joseph Bartholemew so appointed shall neglect or refuse to serve, the sheriff of said county shall proceed to appoint a suitable person as lister aforesaid; and if any person accepting said appointment, shall refuse or neglect to perform the duties assigned by law, he shall be fined in the sum of five hundred dollars, recoverable before any court having jurisdiction thereof, together with costs of suit, to be appropriated, one half for the use of the county, and the other half for the use of the Territory.

Penalty for refusal or neglect.

Secretary of the Territory to transmit a certified copy.

§ 5. *Be it further enacted*, That the secretary of the Territory is hereby required immediately to transmit a certified copy of this law to the sheriff of Clark county, who shall notify the above named lister of his appointment, and the sheriff shall in

[ 15 ]

all cases govern himself by the requisitions of this law.

This act to take effect from and after the passage hereof.

## CHAPTER V

### *An ACT extending the bounds of the county of Washington.*

APPROVED—SEPTEMBER 1, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That all that tract of country, contained in the boundary following, be attached to and constitute part of, the said county of Washington, to wit: begining at Freeman's corner on the meridian line, thence north to the present Indian boundary line, thence with said Indian boundary to the line established by the treaty

Extending the bounds of Washington county.

of Grousland, thence with said line to the place of beginning, and the same so attached shall be deemed and taken as a part of the said county, in the same manner, and under the same regulations as are prescribed for the said county of Washington.

## CHAPTER VI.

*An ACT for the removal of the seat of justice of Warrick county.*

APPROVED—SEPTEMBER 1, 1814,

WHEREAS it has been satisfactorily proven to this Legislature that Evansville,

[ 16 ]

the seat of justice for the county of Warrick, is precisely in the corner of that tract of country, which must hereafter form said Warrick county, after the proper and necessary divisions shall take effect.

Seat of justice for Warrick county removed.

§ 1. *BE it therefore enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the seat of justice of Warrick county, shall be and the same is hereby established and fixed on fractional section number 7, in township number 7, south of range number 8, west of the second principal meridian, it being the place at first selected by the commissioners appointed to fix the seat of justice in said county, by an act of the Legislature passed at the last session: *Provided however,* That Nathaniel Ewing, shall convey to the county of Warrick, and for the sole use of said county, three hundred acres of land out of the above named fractional section at the price of two dollars per acre, and off the east end of the said fractional section.

—where established.

Proviso.

§ 2. *Be it further enacted,* That the court of the said Warrick county, authorized to do county business, shall



Court to lay  
off town lots

cause the said three hundred acres of land discribed as aforesaid, to be laid out into town lots, and sold agreebly to the provisions of an act entitled "an act, for fixing the seats of justice in all new counties hereafter to be laid off," and shall cause the public buildings of said county to be erected thereon,

To erect pub-  
lic buildings.

[ 17 ]

Purchasers in  
the town of  
Evansville  
may convey  
lots to the coun-  
ty & have bonds  
canceled.

in such place as is most suitable and will best promote the interest of said county.

§ 3. *Be it further enacted*, That any person or persons who has or have purchased any lot or lots, in the town of Evansville, of the agent of the said county of Warrick, may at his or their election either retain possession of such lots, or convey such lots to the said county of Warrick, and have the purchase money refunded if paid, or their bonds cancelled or given up to them, if such purchase money be not paid, by applying to the said court of Warrick county, on or before the first day of March next, and it shall be the duty of said court on receiving sufficient titles, and upon application made as aforesaid, to cause the same to be refunded and given up accordingly.

Courts their  
duty.

Agent for  
Warrick  
county his  
duty.

§ 4. *Be it further enacted*, That the agent for said Warrick county, shall on the second day of March next, or as soon thereafter as convenient, reconvey to Hugh M'Gary, the tract of land at Evansville, which was conveyed to the said Warrick county, except so much thereof as may be retained by individuals, who purchased lots of the agent for the said county as aforesaid, and the said court of Warrick county, if any such lots are retained, shall cause the amount of the purchase money thereof when collected, to be paid to the said Hugh M'Gary.

Circuit and  
other courts

§ 5. *Be it further enacted*, That the circuit and other courts hereafter to be held

## [ 18 ]

for the said Warrick county, shall be held at the house of Daniel Rhoads in said county, until a court house shall be erected on the said three hundred acres of land, sufficient for the accommadation of the courts, at which time said court shall adjourn to the court house.

their duty.

—may adjourn.

This act to take effect from and after its passage.

## CHAPTER VII.

*An ACT for the formation of two new counties out of the county of Warrick und part of Gibson county.*

APPROVED—SEPTEMBER 7, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That from and after the first day of November next, all that part of the county of Warrick, which is included within the following boundaries, shall form and constitute a new county, which shall be known and designated by the name and style of the county of Posey: that is to say begining on the Ohio river, where the range line passing between the tenth and eleventh range strikes or intersects the said Ohio river, north with the said range line passing between the said tenth and eleventh ranges, to its intersection with the line dividing the counties of Gibson and Warrick, thence west with the*

Posey county established & named.

Boundary designated.

## [ 19 ]

said line dividing the said counties of Gibson and Warrick to the western bank of the Wabash river, thence down the western bank of the Wabash river with the line of the Illinois Territory to its junction with the Ohio river, thence up the Ohio river with the meanders thereof to the beginning.

P. [18], l. 4. In the enrolled act the word "said" appears between the words "the" and "courts."—Ed.

§ 2. *And be it further enacted,* That from and after the said first day of November next, all that part of the counties of Gibson and Warrick which is included within the following boundaries, shall form and constitute another new county, which shall be known and designated by the name and style of the county of Perry: that is to say, beginning on the Ohio river where the range line passes between the fifth and sixth ranges, west of the second principal meridian where it strikes or intersects the said Ohio river, thence north with the said range line until it intersects the township line passing between township two and three, thence east with the said township line, passing between township two and three, until it intersects the second principal meridian, or line of Harrison county, thence south with the said second principal meridian until it first strikes or intersects the Ohio river, thence down the Ohio river with the meanders thereof to the beginning.

Perry county established & named.

Boundary designated.

Counties of Posey & Perry

§ 3. *And be it further enacted,* That the said counties hereby formed and established shall severally and respectively enjoy

[ 20 ]

to enjoy the same privileges as other counties.

Suits commenced where prosecuted.

Territorial & county levies, how collected.

and exercise all the rights, privileges and jurisdictions, which to separate counties of this Territory do or may properly appertain or belong: *Provided always,* That all suits, pleas, complaints, actions and proceedings, which may before the first day of November next, have been commenced, instituted or depending within the present counties of Gibson and Warrick, shall be prosecuted to final judgment and execution, in the same manner as if this act had never been passed, and that the Territorial and county taxes which are now due within the boundaries of the new counties hereby established, shall be collected in the same manner and by the same officers, as they would have been if this act had not been passed.

§ 4. *And be it further enacted,* That until a court house shall be erected in the said county of Posey, suffi-

cient for the accommodation of the court, the courts for the the said county of Posey shall be held at the house of Absalom Duckworth, in said Posey county; & that until a court house is erected in the said county of Perry, sufficient for the accommodation of the court, the courts for the said county of Perry shall be held at James M'Donald's, in said Perry county.

§ 5. *And be it further enacted*, That Robert W. Tevault, William Brisco, Joseph English, Adam Young and Samuel Snider, all of the county of Warrick, be and they are hereby appointed commissioners to fix

Courts where held, in the county of Posey.

—where held in the county of Perry.

Commissioners to fix the seat of justice for Posey county.

[ 21 ]

the seat of justice in Posey county, who shall meet at the said Absalom Duckworth's on the third Monday in November next and proceed to fix the seat of justice for the said Posey county, agreeably to the provisions of an act entitled an act, for fixing the seats of justice in all new counties hereafter to be laid off; and that William Barker, Jesse Ammerson and James Stewart of Gibson county, Joseph Paddox and Ignatious Abell, of Harrison county, be, and the same are hereby appointed commissioners to fix the seat of justice in Perry county, who shall meet at James M'Donalds in said Perry county, on the third Monday in November next, and proceed to fix the seat of justice for the said county of Perry, agreeably to the provisions of an act entitled an act, for fixing the seats of justice in all new counties hereafter to be laid off.

—when and where to meet

Commissioners to fix the seat of justice in Perry county.

—when and where to meet

§ 6 *And be it further enacted*, That the courts authorised to transact county business in the aforesaid new counties, shall as soon as convenient after their seats of justice are fixed, cause the public buildings of their respective counties to be erected thereon, as near the centre of the lands procured by the county for its seat of justice, as an eligible situation can be had, and will best promote the interest of the said new counties, and shall adjourn

Courts to erect public buildings.

—to adjourn

P. [21], l. 7. In the enrolled act the name is Emmerson instead of Ammerson.—ED.



the courts thereto so soon as their respective court houses are built, and, prepared for the accommodation of said court.

[ 22 ]

Perry & Posey a part of the first circuit.

§ 7. *And be it further enacted,* That the said Posey and Perry counties shall be, and they are hereby declared a part of the first circuit, and shall be and remain a part of the district for the election of councillors composed of the counties of Gibson and Warrick, and in case of vacancy for a councillor, the associate judges of said counties of Posey and Perry shall have power to carry into effect the law regulating elections.

Clerk nor Recorder to be appointed agent.

§ 8. *And be it further enacted,* That no person who is either clerk or recorder, in either of the aforesaid new counties, shall be eligible to hold the appointment of agent for either of the said new counties.

To be entitled to one representative

§ 9. *And be it further enacted,* That the said counties of Posey and Perry shall be entitled to one representative and no more until otherwise altered by law, and when elected his time shall expire on the first Monday in August 1816, and when the Governor issues his writ of election, as is provided in the act, entitled an act, apportioning the members of the House of Representatives of the Indiana Territory, the associate judges of the circuit courts of the said counties of Posey and Perry, shall have power to convene at the place of holding their courts, and appoint persons to conduct the election as the laws of the Territory may direct, and when the superintendants of the election shall make their returns to the clerks of each of the aforesaid counties as directed by law, the sher-

Judges to appoint persons to superintend elections.

[ 23 ]

Sheriffs to give a certificate of election.

iff of each county shall obtain a true statement of the number of votes from the clerk, and within ten days thereafter meet at the seat of justice for Warrick county, and compare the number of votes, and give the person



having the highest number, a certificate of his having been duly elected.

### CHAPTER VIII.

*An ACT providing a summary mode of collecting debts in certain cases.*

APPROVED—SEPTEMBER 6, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That whenever hereafter any person or persons, shall hold any bill, bond, promissary note, or instrument of writing in his her or their own right or as assignee of any other person or persons, for the direct payment of money, he, she or they, may at any time after the same becomes due, file the said bill, bond, promissary note or instrument in writing in the clerks office of the circuit court holden in the county where the debtor or debtors, or either of them may reside, together with a petition in substance as follows ——— H ——— circuit, to wit, A.B. plaintiff (or plaintiffs) states that he holds a bond (or note as the case may be) on C.D. defendant (or defendants) in substance and to the effect fol-

Persons hold-  
ing Bills,  
Bonds &c.

Shall file pe-  
tition in the  
Clerks office.

[ 24 ]

lowing (“here insert a copy of the note or other written instrument”) and if there are any assignment or assignments on said writing; they shall be set forth as follows, to wit: on which note there is the following assignment (or assignments) to wit: (here set forth the assignment or assignments) yet the said debt remains due and unpaid wherefore he prays judgment for his debt and damages for the detention of the same together with his costs &c-  
A.B. Plaintiff-

§ 2. *And be it further enacted,* That the clerk of the said court on the filing of said petition shall issue a sum-

Clerk to issue  
summons &c.

mons with a copy of said petition thereto prefixed, commanding said defendant or defendants to appear on the second day of the next term of the said court and answer to the said petition or otherwise final judgment will be entered up against him by default, which summons shall bear test in the name of the clerk of said court, and be sealed with the official seal of said office, which said petition and summons, shall be served on the defendant or defendants, by delivering a copy thereof by the sheriff of said county to each of the defendants named therein, attested as a true copy of said petition and summons by the said sheriff, and the sheriff shall return the original petition and summons to the clerks office from which it issued, with an endorsement thereon of the execution thereof to the following effect, executed by delivering a

Sherif to  
serve sum-  
mons &c.

[ 25 ]

true copy of the within petition and summons to the said C.D. on the —— day of —— and if the defendant or defendants, or any of them will not receive the said copy of the sheriff, in that case the sheriff shall read said petition and summons to the defendant or defendants, in an audible voice, and throw down the copy thereof in the presence of the defendant or defendants, or if the defendant or defendants, when informed by the sheriff that he has such petition and summons against him, her or them, shall fly from the sheriff before he can have an opportunity of reading the same to him, her or them, in that case the sheriff shall leave said copy at the place where the defendent or defendents departed from, and return the truth of the case endorsed on the petition and summons, and in either of the last mentioned cases, the petition and summons shall be considered as legally executed.

Defendent fly-  
ing from the  
sheriff.

Sheriff to  
leave sum-  
mons &c.

Clerk docket  
return.

§ 3. *And be it further enacted,* That the clerk shall docket the said petition, with the business of the second day of the first term after the same was filed, and if it

shall appear by the sheriffs return on the petition and summons, that the same has been executed on the defendant or defendants, or either of them at least ten days previous to the return day thereof, the same shall stand for trial, in the order in which it is docketed, but if it has not been executed ten days before the return day thereof, it shall be continued until the next

## D

[ 26 ]

term, unless both parties shall consent to the trial thereof at the term to which it is returned.

§ 4. *And be it further enacted,* That if on the calling of the cause, any defendant or defendants, on whom the petition and summons has been executed ten days as aforesaid, shall not appear; the court shall proceed to give judgment for debt, damages and costs, against said defendant or defendants, agreeably to the bill, bond, note or other writing, unless the plaintiff or plaintiffs, shall require a writ of enquiry, which writ of enquiry if so required, shall be awarded by the court and executed immediately, but if the defendant or defendants shall appear, he shall be at liberty to plead any matter of law or fact, which by law he may now do in an action of debt, and the plaintiff or plaintiffs shall reply, and the defendant or defendants rejoin, and so on until the issue or issues are made up immediately, unless either party shall require, and the court in their discretion for good cause shewn, shall grant a further day in that or the succeeding term, to plead, reply, rejoin and complete the issue or issues in law or in fact, which issue or issues shall be tried agreeably to the rules of said court, in the trial of issues in actions of debt, and if either party shall fail to file his part of the pleadings, agreeably to the order of the court, judgment shall be entered against him, her or them, in the same manner as may be done in actions of debt for simi-

Court is pro-  
ceeded to trial.

—to award  
writ's of en-  
quiry.

## [ 27 ]

Proviso. lar failure: *Provided nevertheless*, That no dilatory plea, either in law or in fact, shall be received in the said cause, unless the same shall be filed on the return day of said petition and summons, when the same has been executed ten days before the return day, but if said petition and summons has not been executed ten days before the return day, the defendant or defendants, shall have day until the calling of the cause at the term next succeeding the return day, to file any dilatory plea authorised by law, and the rules of said court: *And provided further*, That nothing herein contained shall prevent the court from continuing said suit on good cause shown.

—may issue  
an alias sum-  
mons. § 5. *And be it further enacted*, That if the petition and summons, shall be returned not found, an alias summons with a copy of the petition prefixed may issue, returnable to the second day of the next term, without an order of the court: *Provided however*, That nothing herein shall prevent any plaintiff or plaintiffs, from proceeding on to final judgment against any defendant or defendants, on whom the said petition and summons has been returned executed as aforesaid.

Clerk's fees. § 6. *And be it further enacted*, That the clerk shall be entitled to fifty cents for issuing the summons, and for all other services he may perform under this law, his fees shall be the same as are by law allowed for similar services, and the sheriff shall receive fifty cents for executing said peti-

Sheriff's fees.

## [ 28 ]

tion and summons, on each and every defendant therein named, and twelve and a half cents for returning the same, and for all other services he shall be entitled to the same fees as the law allows for similar services.

§ 7. *And be it further enacted*, That nothing in this act contained shall prevent any plaintiff or plaintiffs, from commencing his her or their action or actions, on any bill, bond, note or other writing, in the same manner

as he she or they might have done, if this law had never been passed.

§ 8. *And be it further enacted*, That whenever one or more of the defendants, shall reside, in another county, it shall and may be lawful for the plaintiff, when he files his petition to take out a summons with a copy of the petition as aforesaid, directed to the sheriff of such other county, to summons such other defendant or defendants, to answer to the said petition, or if it shall appear on the return of the first petition and summons that one or more of the defendants are not found, the plaintiff may go on to judgment against the defendant or defendants on whom the petition and summons has been executed, and discontinue his suit as to other defendants, or he may go on to trial, against the defendant or defendants on whom the process has been executed, and take out an alias petition and summons against such defendants, as have not been found, direc-

Plaintiff obtain judgment against one defendant and take out an alias petition.

[ 29 ]

ted to the sheriff of the county, where said defendant or defendants or either of them may be or reside, and when said process shall be returned executed, the plaintiff may proceed to judgment against said defendant or defendants, agreeably to the regulations aforesaid, in the same manner as if no judgment had been given against the defendant or defendants, on whom said process was first executed, but if the execution on the first judgment, shall be returned satisfied, no execution except for costs shall issue on the second judgment, but if the first judgment shall not be so satisfied, or but partially satisfied, execution may issue for the whole or such unsatisfied part on the said second judgment, and so may execution issue in the same manner on either of said judgments until the whole amount of debt, damages and costs justly due has been collected and no more: *Provided however*, That but

Proceed to judgment.

Execution to issue for debt and costs.

§ 8, l. 15. In the enrolled act the words "defendant or" appear between the words "such" and "defendants."—Ed.



one execution on either of said judgments shall issue at once, nor shall any new execution issue until the preceding execution has been returned, or until after the return day thereof, or the plaintiff or plaintiffs may continue said cause until the process has been executed on all the defendants.

Clerks fees § 9. *And be it further enacted*, That the clerk shall have six cents for filing the petition and for copying it the same fees as for like services.

This act to take effect from and after its passage.

[ 30 ]

#### CHAPTER IX.

*An ACT for the formation of a new county out of the counties of Dearborn and Jefferson, and for other purposes.*

APPROVED—SEPTEMBER 7, 1814,

New county established. Boundary designated. § 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That from and after the passage hereof, all that part of the counties of Dearborn and Jefferson, which is included in the following boundaries, shall form and constitute a new county: that is to say; begining at a point between fractional sections number twenty two and twenty seven, on the Ohio river, in town three range one, west, thence due west with said sectional line to the old Indian boundary, thence nearly north running with said boundary to the north east corner of section thirteen, town six, range twelve in the new purchase, thence due north with said section line to the north east corner of town six, range twelve, thence west with the line dividing town six, range twelve, and town seven, and range twelve to the sectional line, dividing sections five and four, in town six, range twelve, in the new purchase, thence south with said sectional line, to the Ohio river, at a point between fractional sections number twenty and

twenty one, about one mile below the old Indian boundary, in town three

## [ 31 ]

range twelve in the new purchase, thence with the meanders of the Ohio river and up the same to the place of beginning.

§ 2. *And be it further enacted*, That the said county shall from and after the first day of October next, be known and designated by the name and style of the county of Switzerland, and it shall enjoy all the rights, privileges and jurisdictions which to a separate county do or may properly appertain and belong: *Provided always*, That all suits, pleas, complaints, actions and proceedings, which may before the first day of October next have been commenced, instituted and depending within the new counties of Dearborn and Jefferson, shall be prosecuted to final judgment and execution, in the same manner as if this act had never been passed: *And provided also*, That the Territorial and county levy's or taxes, which are now due within the bounds of the said new county, shall be collected and paid in the same manner, and by the same officers, as they would have been, if the creation of said new county had not taken place.

County named.

Proviso.

Taxes how collected.

§ 3. *And be it further enacted*, That so soon as the place of holding the courts for the said county of Switzerland be established, the judges of the courts hereafter to be appointed in the said county, shall within six months thereafter, proceed to erect the necessary public buildings for the same, in such place, in the same manner, as is required by law, in respect to other

Judges to erect public buildings,

## [ 32 ]

counties, and after the public buildings are so erected, the courts of the said county shall adjourn to the said

Judges to adjourn.

§ 2, l. 9. In the enrolled act the last word is "now" instead of "new."—Ed.

place at their next term after the same shall have been completed, which shall be, and the same is hereby declared to be the seat of justice for the county of Switzerland.

Court where held.

§ 4. *And be it further enacted*, That until the public buildings in the said new county be completed, the court hereafter to be appointed for the said county of Switzerland, shall be held in the town of Vevay in the said county aforesaid.

Commissioners to fix the seat of justice in switzerland.

§ 5. *Be it further enacted*, That James Dill, Alexander A. Meek, Jesse L. Holman, Jacob Short and Isaac Dunn, be, and they are hereby appointed commissioners, for the purpose of fixing the seat of justice in the county of Switzerland, whose duty it shall be to convene at the house of John Frances Dufour, on the seventeenth day of October next, and proceed to fix the seat of justice in the county of Switzerland, in conformity with, and in all respects agreeably to an act passed at the session of the Legislature in the year one thousand eight hundred and thirteen, entitled "an act for fixing the seats of justice in all new counties hereafter to be laid off."

Sheriff's to serve a written notice.

§ 6. *And be it further enacted*, That the sheriffs of Jefferson and Dearborn counties, be and they are hereby required to serve the aforesaid commissioners, whose residence may be in their respective counties, with a notice of their said appoint-

[ 33 ]

Proviso.

ments, on or before the first day of October next, for which service, he shall be allowed such compensation, as the courts hereafter to be established in and for the said county of Switzerland, may deem reasonable, to be allowed and discharged in the same manner that other county claims are: *Provided however*, That if any of the said commissioners, should be disqualified to act by the said act for fixing the seats of justice &c. the courts to be hereafter established in the county of Switzerland, shall have power to appoint others to supply such vacancy: *Provided also*, That the courts hereafter to be es-

tablished in the said county of Switzerland, shall have all the powers, and be governed in all other respects as the courts of common pleas, under the act, entitled "an act for fixing the seats of justice in all new counties hereafter to be laid off."

§ 7. *And be it further enacted*, That the county of Switzerland shall be attached to, and compose part of the third circuit for holding courts, as specified in the act passed at the present session establishing circuit courts.

To compose part of the third circuit.

§ 8. *And be it further enacted*, That the said county of Switzerland shall be entitled to one Representative, and when elected, his time shall expire the first Monday in August one thousand eight hundred and sixteen, and when the governor issues his writ of election, as is provided in the act, entitled "an act, apportioning the mem-

To be entitled to one Representative.

## E

### [ 34 ]

bers of the House of Representatives of Indiana Territory, the associate judges of the circuit courts for the said county of Switzerland, shall have power to convene at the place of holding their courts, and appoint persons to conduct the election as the laws of the Territory may direct.

Courts to appoint superintendants of election.

§ 9 *And be it further enacted*, That the county of Switzerland shall be considered, as part of the district for Dearborn and Jefferson counties for the election of councellers, and in case of a vacancy for a councillor, the said associate judges in the county of Switzerland, shall have power at any time, to carry the law into effect regulating elections.

To elect councellers.

§ 10. *Be it further enacted*, That all that part of Jefferson county which lies on the east side of a line, drawn from the north west corner of section four, in township six, range twelve, and running due north so far that a due north line, will strike the west end of the line divid-

Part of Jefferson attached to Dearborn county.

§ 10, l. 5. In the enrolled act the second word is "east" instead of "north."—Ed.

ing the counties of Dearborn and Franklin; also that part of Jefferson county which lies within the following bounds, to wit, begining where the line of Switzerland county crosses the old line, between Jefferson and Dearborn, between sections twenty two and twenty seven, in town 4, range 3; thence west with the line of Switzerland aforesaid to the old Indian boundary line, thence with said Indian boundary line northwardly to where the line between Jefferson and Dearborn, strikes the old Indian boundary line,

[ 35 ]

thence with said line of Jefferson and Dearborn to the begining shall be and the same are hereby added and attached to the county of Dearborn, and at all times hereafter, to all intents and purposes in law and in fact, the said parts of Jefferson county shall be taken, held and deemed as parts of Dearborn county and subject to all the laws now or hereafter to be in force regulating Dearborn county.

This act to take effect from and after the first day of October next.

## CHAPTER X.

*An ACT for the relief of such persons as have suffered, or may hereafter suffer, by the destruction of the records of the county of Knox, which was consumed by fire, at Vincennes, in the year one thousand eight hundred and fourteen.*

APPROVED—SEPTEMBER 7, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That for perpetuating testimony concerning of and relating to such patents, deeds, bills of sale, wills, inventories, powers of attorney or other*

Perpetuate  
testimony in  
the county of  
Knox.



writings as were destroyed when the recorder's office of the county of Knox was consumed by fire at Vincennes, in the year one thousand eight hundred and fourteen, Benjamin Parke, Nathaniel Ewing and John D. Hay, be and

Commissioners appointed

## [ 36 ]

the same are hereby appointed a board of commissioners, to hear and receive evidence in behalf of any person or persons, who may have lost any patent, deed, bill of sale, will, inventory, power of attorney or other writing, by the destruction of the said office, as aforesaid, and the said commissioners or a majority of them, shall appoint a clerk to the said board, (and in case of the death or resignation of the said clerk, another shall be appointed by the said commissioners as often as the case may require) whose duty it shall be to record the proceedings of said board, and all testimony which may be taken, before the said commissioners as aforesaid, in books provided for that purpose, which books and other necessary stationary for said board, shall be by said commissioners, provided at the expence of the Territory, and the Territorial treasurer shall pay the same on an account of the commissioners, certified by the clerk of the said board, out of any monies in the Territorial treasury, not otherwise appropriated.

To hear evidence.

Shall appoint a clerk.

Clerks duty.

§ 2. *And be it further enacted,* That the said commissioners, or a majority of them shall convene at Vincennes, on the second Monday in January next, and at such other time as the said commissioners may, think proper to appoint, or adjourn to, and shall hear and receive such testimony as may be to them produced, concerning of, or relating to any patent, deed, bill of sale, will, inventory, power of attorney or

Commissioners to hold a meeting.

Shall hear testimony.

## [ 37 ]

other writing, which may have been burnt, or destroyed as aforesaid, and the testimony thus taken and recorded,

Proceeding to be certified. or a copy thereof properly certified, either by the clerk of the said board, or the recorder of the said county of Knox, shall be good evidence in any court of Record in this Territory; *Provided* that the commissioners appointed for the purposes aforesaid, shall not sit more than thirty days for the first year, commencing from the day this law takes effect, and ten days in each and every succeeding year.

Commissioners to hold special meetings. § 3. *And be it further enacted*, That the said commissioners may hold special meetings at the request of any person who may solicit them so to do, and shall give public notice of their meetings or adjournments.

Satisfactory evidence must be produced. § 4. *And be it further enacted*, That no person or persons shall be permitted to introduce testimony concerning of, or relating to any patent, deed, bill of sale, will, inventory or other writing, untill such person or persons shall produce to said commissioners satisfactory evidence, either by his her or their own affidavit, or the affidavit of some other person, that such pattend, deed, bill of sale, will, inventory, power of attorney or other writing, was absolutely lost or destroyed as aforesaid, and that he she or they, have given at least three weeks public notice in some public paper, printed in this Territory of their intention to produce such testimony, and that the purport or substance of such testimony was set

Applicant to give public notice.

[ 38 ]

forth in such public notice, and if any person or persons shall attend and produce contravening testimony, the same shall be received and recorded as aforesaid-

Papers and testimony to be recorded. § 5. *Be it further enacted*, That any paper or writing, which shall be produced to said commissioners, and proved to be a correct copy of any patent, deed, bill of sale, will, inventory, power of attorney or other writing lost or destroyed as aforesaid, shall be by the clerk recorded at full length together with the testimony relating

§ 3, l. 3. In the enrolled act the words "or persons" appear between the words "person" and "who."—ED.

thereto; and when the witnesses to any deed, bill of sale, will, inventory, power of attorney or other writing (lost or destroyed as aforesaid) are dead, the person or persons interested therein, may produce other testimony, in support of his her or their claims, and the testimony so produced, shall be received and recorded as aforesaid.

§ 6. *And be it further enacted,* That the said clerk for recording, or for copies of such records, shall receive a compensation of ten cents per sheet of one hundred words, to be paid by the person or persons for whom such testimony is recorded, or to whom such copies are delivered; and the said commissioners, shall receive each a compensation of one dollar and fifty cents per day, for each and every day they may be engaged in receiving testimony as aforesaid, payable at the Territorial treasury on account produced by the said commissioners, and certified by the clerk of said board.

Clerk's fees.

Commissioner's.

§ 7. *And be it further enacted,* That the

[ 39 ]

said commissioners and clerk, shall previous to their entering upon the duties of their office, severally take an oath or affirmation, faithfully and impartially to discharge the duties of their office, according to the best of their skill and understanding, and the said commissioners and clerk, appointed as aforesaid, shall continue in office for and during the term of five years, and no longer; and at the expiration of the said term of five years, the said clerk shall deposit the books, papers and records of said board of commissioners with the recorder of the said county of Knox, to be by him preserved for the benefit of such persons as may be interested therein, and if any such clerk shall resign, he shall deliver to the said commissioners, or a majority of them, all the books, papers and records of or appertaining to his office, and on failure thereof, he shall be fined in a sum not less than five hundred nor exceeding five thousand dollars,

Commissioners and clerk to be sworn.

Books, papers &c to be deposited with the recorder of Knox county.

Penalty on Clerk for neglect of duty.

Prosecuting  
attorney his  
duty.

recoverable in any court having cognizance thereof, upon motion of the prosecuting attorney for the use of the Territory, whose duty it shall be to prosecute for the same, and for neglecting or refusing so to do, the said prosecuting attorney shall be fined in any sum, not exceeding one thousand nor less than five hundred dollars, recoverable by indictment for the use of the Territory, and in case of the death of any such clerk, his, heirs, executors or administrators, shall deliver to the said commissioners all the

[ 40 ]

books papers and records, appertaining to his office, under the same penalties, recoverable in manner, and for the use aforesaid.

Recorder's  
fees.

§ 8. *And be it further enacted*, That where any person shall produce to the recorder of the said county of Knox, to be recorded again, any patent, deed, bill of sale, will, inventory, power of attorney, or other writing, which was recorded in the said office, burnt and destroyed as aforesaid, it shall be the duty of the recorder, to record the same, together with the endorsement of the recorder thereon, if such endorsement be satisfactorily proved, to said recorder, to be the endorsement of the former recorder, which endorsement, so recorded shall be evidence of the time any such patent, deed, bill of sale, will, inventory, power of attorney or other writing was originally recorded in court of record in this Territory.

This act to take effect from and after its passage.

## CHAPTER XI.

*An ACT allowing compensation to the members, and officers of both houses of the Legislature and for other purposes.*

§ 8, l. 13. In the enrolled act the word "any" appears between the words "in" and "court."—ED.



APPROVED—SEPTEMBER 8, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That hereafter and until other wise direc

[ 41 ]

ed by law, each and every member of the Legislative council and House of Representatives shall be entitled and receive out of the Territorial Treasury, upon the warrant or warrants of the Treasurer as in other cases, for each and every days attendance on the Legislature, the sum of two dollars and fifty cents per day, and also ten cents per mile for travelling to and from the seat of Government, the most usual road; each and every member of the house of Representatives, shall also be entitled and recieve out of the Territorial treasury, upon the warrant or warrants of the Treasurer, as in other cases, for each and every days attendance at the extra session of the house of Representatives, held in the month of June last, the sum of two dollars and fifty cents, and shall moreover be allowed the sum of ten cents per mile. for traveling to and from the town of Corydon, by the most usual road.

Members of the legislature their salary.

Members of the House of Representatives their compensation at the extra session.

§ 2. *And be it further enacted,* That the compensation which shall or may be due to the members and clerk of the Legislative council, shall be certified by the president thereof; and that which shall or may be due to the members and clerk of the house of Representatives, and the door-keeper of both houses, shall be certified by the speaker of the house of Representatives; and that which shall or may be due to the members and clerk of the house of Representatives for their attendance at the extra session aforesaid, shall be certified by the

Compensation certified by the President of each house.

F

[ 42 ]

speaker of the house of Representatives at said extra ses-



Treasurer to issue his warrants.

sion, which certificate or certificates shall be to the Treasurer or the proper officer, sufficient evidence of the claim, and he shall issue warrants thereupon, to the several officers and members aforesaid, payable at the Territorial treasury, as in other cases.

Contingent fund.

§ 3 *Be it further enacted*, That the sum of one hundred dollars be, and the same is hereby appropriated for contingent expences, and the said fund shall be subject to the order of the Governor, for express's and other incidents, which cannot now be foreseen, by the Legislature, a statement whereof shall be by him laid before the Legislature at their next session.

Clerks of both house's their compensation.

§ 4. *Be it further enacted*, That the Clerk of the Legislative council, and the Clerk of the house of Representatives, shall in like manner receive for their services, the sum of four dollars per day, and the Clerk of the house of Representatives, for his services at the extra session aforesaid, the sum of ten dollars, and the door-keeper of both houses, shall receive for his services the sum of one dollar and fifty cents per day.

Door-keepers their services

This act shall take effect from and after its passage.

[ 43 ]

CHAPTER XII.

*An ACT to amend the act entitled an act to amend the act entitled an act 'establishing courts for the trial of small causes, and for other purposes.*

APROVED—SEPTEMBER 9, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the following forms shall be used by Justices of the peace.

SUMMONS.

Indiana Territory }  
                          county }

Summons.

The United States to A.B. constable of said county  
GREETING; You are hereby commanded to summon

to appear before me, one of the Justices assigned to keep the peace for the county aforesaid, on the \_\_\_\_\_ day of \_\_\_\_\_ next, at my house (or as the case may be) in the county aforesaid, to answer \_\_\_\_\_ in a plea of debt under forty dollars (or as the case may be) and make return of this precept as the laws directs. Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord.

S.M.

J.P. (SEAL.)

[ 44 ]

WARRANT.

Indiana Territory, }  
 county. }

The United States to A.B. constable of said county Warrant.  
 GREETING; You are hereby commanded to take the body of \_\_\_\_\_ if he is to be found in your bailiwick, and forthwith bring him before me, one of the justices assigned to keep the peace for the county aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_ next, at my house (or as the case may be) in the county aforesaid, to answer \_\_\_\_\_ in a plea of trespass on the case, damage under forty dollars (or as the case may be) and notify the plaintiff of trial, and make return of this precept as the law directs. Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord.

S.M.

J.P. (SEAL.)

SUBPŒNA.

Indiana Territory, }  
 county. } *scd.*

The United States to A.B. constable of said county Subpœna.  
 GREETING; You are hereby commanded to summon C.D. to appear before me one of the justices, assigned to keep the peace for the county aforesaid, on the \_\_\_\_\_ day of \_\_\_\_\_ next, at my house (or as the case may be) in the county aforesaid, to testify and the truth to

speak, on the part of the sheriff

[ 45 ]

(or as the case may be) in a certain action of debt (or as the case may be) pending beforeme, wherein is plaintiff and

is defendant, and this he shall in no wise omit under penalties fixed by law, and make return of this precept as the law directs. Given under my hand and seal this day of \_\_\_\_\_ in the year of our Lord.

S.M.

J.P. (SEAL.)

JUDGMENT.

R.R. }  
 vs. } Debt (or as the case may be)  
 J.D. }

Judgment.

This day came the plaintiff and the defendant, and the cause and proceedings being fully heard, seen, and inspected and all things touching the same, therefore it is considered that the plaintiff recover of the defendant ten dollars debt (or as the case may be) with interest thereon after the rate of six per cent, per annum, from day of \_\_\_\_\_ until paid (or as the case may be) together with costs of suit, and the said defendant in mercy &c. (and if the judgment should be in favor of the defendant) the plaintiff in mercy &c.

S.M.

J.P. (SEAL.)

EXECUTION.

Indiana Territory, }  
 county. }

Execution.

The United States to A- B. constable of said county, GREETING; Whereas judgment hath been rendered before me one

[ 46 ]

of the justices assigned to keep the peace, for the county

L. 1. In the enrolled act the last word is "plaintiff" instead of "sheriff."—Ed.

aforesaid in favor of \_\_\_\_\_ plaintiff, against  
 \_\_\_\_\_ defendant, in an action of debt (or as  
 the case may be) for \_\_\_\_\_ dollars debt, with interest  
 thereon after the rate of six per cent, per annum from  
 the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ untill  
 paid; also \_\_\_\_\_ dollars and \_\_\_\_\_ cents costs; You  
 are therefore hereby commanded within twenty days, to  
 levy the same, on the goods and chattels of the said de-  
 fendant (or as the case may be) and make sale thereof  
 according to law, and within the time specified by law,  
 pay the said debt and costs to me the said justice, or to  
 the person entitled to receive it; and if goods and chattels  
 cannot be found or shewn by the said defendant (or as  
 the case may be) sufficient to satisfy the said debt and  
 costs and \_\_\_\_\_ cents for this execution, together with  
 constable's commission and serving this writ, whereon  
 to pay, you are hereby commanded to take the body of  
 the said defendant (or as the case may be) if he is to  
 be found within your bailiwick, and him convey and de-  
 liver to the Jailer of the county aforesaid within twenty  
 days who is hereby required to take the said defendant  
 (or as the case may be) into his custody and him safely  
 keep until discharged by due course of law, herein fail  
 not. Given under my hand and seal this \_\_\_\_\_ day  
 of \_\_\_\_\_ in the year \_\_\_\_\_

S.M.

J.P. (SEAL.)

[ 47 ]

## ATTACHMENT.

Indiana Territory, }  
 county, } *set*

The United States to the constable, (or sheriff as the  
 case may be) of said county GREETING; Whereas com-  
 plaint has been made upon oath to me, one of the jus-  
 tices assigned to keep the peace for the county aforesaid,

Attachment.

L. 12. In the enrolled act the word "it" is omitted.—ED.

L. 17. In the enrolled act the second word is "levy" instead  
 of "pay."—ED.





dollars, with interest &c. (or as the case may be) against the goods, chattles, lands, tenements and effects of the above named \_\_\_\_\_ now should the above named \_\_\_\_\_ be cast on the trial of the said attachment, and pay all costs that shall be awarded to the said \_\_\_\_\_ and pay all damages that may accrue against the said \_\_\_\_\_ in consequence of the said \_\_\_\_\_ suing out

[ 49 ]

this attachmnt, then this obligation to be void, else remain in full force.

Witness. (SEAL.)  
 A.B. J.P. (SEAL.)

*Judgment on attachment.*

March \_\_\_\_\_ th 1814.

A.B. }  
 vs. } In debt.  
 C.D. }

The attachment obtained by the plaintiff against the estate of the said defendant, being returned executed before me E.F. one of the justices of the peace for \_\_\_\_\_ county, and the defendant having failed to appear and replevy the property taken thereon, the plaintiff proved his debt according to law; and it is thereupon considered that the said A.B. recover against said C.D.

Judgment on attachment.

\_\_\_\_\_ dollars, current money, and also his costs by him about this suit expended, and the constable is ordered to sell the property attached, according to law to satisfy this judgment.

*Judgment against a Garnishee.*

A.B. }  
 vs. } In debt.  
 C.D. }

The attachment obtained by the said plaintiff against the estate of the said defendant being returned executed, \_\_\_\_\_

Judgment against garnishee.



*The form of a recognizance to be taken by a justice of the peace in such cases as he cannot finally determine.*

Indiana Territory, }  
                   county, } *set.*

Be it remembered that on the                    day of                    Recognizance  
 in the year                    C.D. and                    of the  
 county aforesaid personally came before me  
 one of the justices assigned to keep the peace for said  
 county and acknowledged themselves to owe to the United  
 States the sum of                    dollars each, to be levied  
 of their goods and chattles, lands and tenements, but if  
 the said C.D. above named, shall appear at the next  
                   court to be holden in and for the county  
 aforesaid on the first Monday in October next (or as the  
 case may be) at the court house thereof, and then and  
 there answer to a charge of (here describe the offence,  
 and abide the order of the said court thereon, and not  
 depart without leave of the court,

[ 52 ]

then this recognizance to be void, else remain in full  
 force.

(SEAL.)

(SEAL.)

Certified by me                    a justice of }  
 the peace for the county above said, the }  
 court above named. }

J.P. (SEAL.)

*Mittimus for (folony to be changed as the case may be.)*

Indiana Territory, }  
                   county, } *set*

J. P. a justice of the peace for said county,                    *Mittimus for*  
 to the                    keeper of the jail of said county.                    *felony.*  
 Whereas A B. late of                    &c. laborer, hath  
 been arrested for suspicion of a felony by him, as is said,  
 committed, in stealing                    of the value of  
                   the property of                    of  
 &c. therefore in behalf of the United States, I command

you that you receive the said A.B. into your custody in the said jail, there to remain 'till he be delivered from your custody by due course of law. Given under my hand and seal the                      day of                      in the year of our Lord.

Extending the jurisdiction of justices of the peace to 100 dollars.

S.M.

J.P. (SEAL.)

§ 2. *Be it further enacted*, That the jurisdiction of justices of the peace within this Territory, in all actions made cognizable before them by the act to which this is an amendment, shall be extended to one hun-

[ 53 ]

dred dollars where and whenever, the plaintiff and defendant shall consent thereto, by confession of judgment, and the stay of execution shall be nine months, if the sum should be one hundred dollars; if the sum should be upwards of forty and under one hundred, the stay of execution shall be seven months, at which time execution shall be awarded for the amount of the judgment and costs of suit.

Stay of execution.

§ 3. *Be it further enacted*, That the court authorized by law to hear and determine upon appeals taken from justices of the peace in this Territory shall at the trial receive and permit the plaintiff and defendant to exercise the provisions contained in the first section of the act, entitled an act supplementary to the several acts for the trial of small causes, approved the 31st December 1813.

Court their duty.

§ 4. *Be it further enacted*, That the act, entitled an act to prevent malicious prosecutions, approved December 21st, 1813, be and the same is hereby repealed.

Repealing section.

§ 5. *Be it further enacted*, That any fines collected by the justices of the peace for offences against any of the penal laws of this Territory, shall be paid by the justice or justices collecting the same, to the judges of the court hereafter to be established in the proper county at the first court after the fine is thus collected, under a penalty not exceeding fifty dollars, to be recovered by indictment in any courts having jurisdiction.

Fines collected by justices to be paid to the judges of the court.

## [ 54 ]

§ 6. *Be it further enacted*, That the fifth section of the act, entitled an act regulating divorces within the Indiana Territory passed and approved March the eighth, eighteen hundred and thirteen, be and the same is hereby repealed. Repealing section.

## CHAPTER XIII.

*An ACT fixing the time of holding Courts and for other purposes*

APPROVED—SEPTEMBER 9, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives*, That the circuit courts established at this session of the legislature of Indiana, shall be held in the different counties in this Territory in each and every year hereafter, on the following days: to wit, for the counties of Jefferson and Perry, on the first Mondays in April, July and November; for the county of Harrison on the second Mondays in April July and November; for the county of Washington on the third Mondays in April, July and November; for the county of Clark on the fourth Mondays in April, July and November; for the counties of Knox and Wayne on the first Mondays in March, June and October; for the counties of Gibson and Franklin on the second Mondays in March, June and October; for the counties of Posey and Dearbourn on the third Mondays in March, June, and October; for the Courts when and where held.

## [ 55 ]

counties of Warrick and Switzerland on the fourth Mondays in March, June and October, and each and every court at each and every term in the said counties shall sit six juridical days if the business before them shall Length of time each court shall sit.



require it, except the counties of Dearbourn and Switzerland, at their first term in which the court for the county of Dearbourn shall sit nine juridical days if the business before them shall require it and the court for the county of Switzerland shall commence on the Friday succeeding the fourth Monday in October next, and sit two juridical days if the business before them shall require it, but at all other terms of said last named courts they shall be held in the order and times first above stated.

The first term of each court when to commence.

§ 2. *Be it further enacted*, That the first term of each of the said courts shall be held in the months of October and November next, to commence and continue agreeably to the provisions contained in the first section of this act.

Judges when to meet to do county business.

§ 3. *Be it further enacted*, That the associate judges of the said several circuit courts shall meet at the court houses or the places where the courts are usually held in the several counties in this Territory on the first Mondays in January, May and September, in each and every year hereafter and such other times as are required by law or may be necessary to do, perform and transact, all the county business in the several counties in this Territory, which by

[ 56 ]

the laws now, or that may hereafter be in force in this Territory, was heretofore made the duty of the associate judges of the circuit courts established by an act reorganizing courts of justice approved thirty first December eighteen hundred and thirteen.

clerks to keep separate book for county business.

§ 4. *Be it further enacted*, That the clerk of the said circuit court shall make out complete orders of court of all the said county business so done by the said associates, in a book, separate and distinct from the books used in the circuit court, which orders shall be signed by one of the associate judges before the court adjourns.

One of the associate judges to sign all orders.

§ 5. *Be it further enacted*, That it shall be the duty of the clerks of the several courts in this Territory, at their own proper costs and charges, to furnish the necessary books well bound, presses and seals, and shall from time

Clerks to furnish books, presses and seals.

to time, exhibit his account on oath shewing each item and its price, and the court being satisfied of the correctness thereof, shall allow the same and order it to be paid out of the county treasury: *Provided however*, no allowance shall be made to any clerk, for any press or presses of any sum exceeding ten dollars, nor shall any allowance be made for stationary or any office articles but those herein specified.

[ 57 ]

CHAPTER XIV.

*An ACT supplementary to the act, entitled an act to appoint a lister for Clark county.*

APPROVED—SEPTEMBER 9, 1814,

§ 1. *BE it enacted by the Legislative council and House of Representatives*, That the lister appointed under the act to which this is a supplement, for Clark county, for the purpose of listing the taxable property for 1813, be, and he is here hereby authorized to list and take in that part of the taxable persons and property in that part of Washington county, which formerly belonged to the said county of Clark for the year 1813, in the same manner, as if the citizens still belonged to said county of Clark, any law to the contrary notwithstanding, and the collector of clark county shall have full power to collect the taxes off the persons and property thus listed, as if it was still a part of Clark county, and account for the same, when collected according to law.

Lister of  
Clark county  
his duty.

Collector of  
Clark county  
his duty.

This act to take effect from and after its passage.

CHAPTER XV.

*An ACT to allow owners of town lots to redeem the same, when they shall be sold for taxes.*

APPROVED—SEPTEMBER 9, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, That when-*

H

[ 58 ]

Owners of  
lots sold for  
taxes may re-  
deem the  
same.

ever hereafter any lot or lots of land in any town within this Territory, or any out lot of land in the vicinity of any town in the said Territory, shall be sold for the non-payment of any Territorial, county or borough tax or taxes due thereon, it shall be lawful for the owner or owners of said lot or lots of land so sold to redeem the same within one year after such sale, under the same rules and regulations that persons are or shall be allowed to redeem land when sold for the non-payment of Territorial tax.

Sheriff to  
make a deed  
&c.

§ 2. *Be it further enacted, That whenever hereafter any collector of any tax or taxes upon any in or outlot or lots in any town in this Territory, shall sell the same for the non-payment of the tax or taxes due thereon, he shall give the purchaser a deed therefor, in the same form and under the same rules and regulations as are prescribed by the act entitled an act to authorise the collectors of taxes to make deeds in certain cases, approved the twenty second of December, eighteen hundred and thirteen, and in all things the said deeds shall be made, executed and regulated as prescribed by the above recited act.*

This act to take effect from and after the passage thereof.

[ 59 ]

CHAPTER XVI.

*An ACT to amend an act entitled "an act establishing and regulating the militia of Indiana Territory.*

APPROVED—SEPTEMBER 9, 1814,

§ 1. *BE it enacted by the Legislative Council and*

*House of Representatives*, That until the appointment of general officers, it is hereby made the duty of commandants of regiments to order and personally attend and superintend annual drill musters of the officers of their respective regiments, in the same manner and form, and under the same regulations and penalties, as is directed for drill musters of brigades in the nineteenth section of the act to which this is an amendment.

Commandants of regiments shall superintend annual drill musters.

§ 2. *Be it further enacted*, That commandants of regiments shall and they are hereby directed to make annual returns of their respective regiments to the adjutant general, until the appointment of general officers, agreeably to the provisions laid down in the thirty eighth section of the act to which this is an amendment.

Commandants of regiments shall make annual returns.

§ 3. *Be it further enacted*, That in all cases where a detachment of the militia may be required, under the provisions of the forty first section of the act to which this is an amendment, or on any requisition of any officer of the United States, legally authorized to make such requisition, the commander in chief may issue his order to the commandants of divisions, bri-

Commander in chief to issue his orders &c.

[ 60 ]

gades, regiments, battalions, or companies, (as the case may be,) whose duty it is hereby made to comply with said order and requisition, as fully and absolutely as if the same had been fully provided for in the act to which this is an amendment, under the penalties annexed to a disobedience of orders provided for in the said act to which this is an amendment.

§ 4. *Be it further enacted*, That it shall be, and is hereby made the duty of any judge or justice of the peace to administer the several oaths of office to militia officers and certify the same, on the back of the commission.

A judge or justice of the peace to administer the several oaths of office.

§ 5. *Be it further enacted*, That all laws and parts of laws in any manner relating to the militia of this Territory, passed previous to the third day of January last, be and the same are hereby repealed.

Repealing section.

Persons ag-  
grieved may  
petition the  
governor.

Governor  
may order a  
court martial

§ 6. *And be it further enacted*, That whenever here-  
after any persons to the number of three, shall think  
themselves agrieved by the sentence or decision of any  
court of enquiry or court martial for the assessment of  
fines, they shall be at liberty to petition the governor,  
setting out the cause or causes of their grievance or  
grievances (the truth of which shall be tested by oath or  
affirmation of one of the petitioners or some other repu-  
table person) and the governor if he thinks the causes  
sufficient may order a court martial to consist of five  
members, officers of a different regiment from the one to  
which the peti-

[ 61 ]

Proviso.

tioners belong, who shall be authorised to proceed to hear  
and determine the complaint of the petitioners under  
the same rules and regulations prescribed by law in cases  
of other courts martial or courts of enquiry; and the  
decision of such court martial shall be final with the  
parties: *Provided nevertheless*, That such decision shall  
not operate or be so construed as to take away any  
remedy, which any person or persons may have at law,  
against any officer or non-commissioned officer, for any  
misconduct or oppression.

## CHAPTER XVII.

### *An ACT concerning the general Court.*

APPROVED—SEPTEMBER 10, 1814,

Repealing  
section.

§ 1. *BE it enacted by the Legislative Council and  
House of Representatives*, That the seventeenth section  
of the act entitled an act reorganizing courts of justice  
approved Deeember thirty first eighteen hunchred and  
thirteen, be and the same is hereby repealed.

General  
courts when  
and where  
held.

§ 2. *Be it further enacted*, That the general court  
hereafter shall be held at the seat of government on the  
first Monday of February and September, and at Vin-



cennes in the county of Knox on the third Mondays of February and September, at Brookville in the county of Franklin on the fourth Mondays of February and September, annually.

§ 3. *Be it further enacted*, That all ori-

[ 62 ]

ginal suits indictments and recognizances in said court, commenced by or against any person or persons residing in the counties of Knox, Gibson, Posey and Warrick, shall and they are hereby transfered to the terms of the general court to be held in the county of Knox, and upon the application of either of the parties in said suits or indictments to the terms of the said court held at the seat of government, the said court shall order either the original papers and documents in said suits or a transcript thereof, certified by the clerk to be sent to the terms of said general court to be held at Vincennes, and the clerk of the general court shall obey the order of the said court, to send the said papers in the said suits, or a transcript thereof under the penalty of two hundred dollars for each offsence, to be recovered by indictment for the party injured.

Suits commenced where tried.

Clerks to be fined.

§ 4. *Be it further enacted*, That the clerk's of the circuit court of Knox county and Franklin counties shall be the clerks of the terms of the general court to be held in the said county of Knox and Franklin, in their respective counties and the said clerks shall receive the same fees and suffer the same penalties that the clerk of the general court may or can receive or suffer.

Clerks of Knox and Franklin circuit courts to be clerks of the general courts in their respective counties.

§ 5. *Be it further enacted*, That all suits, in the general court, which have been removed by certiorari or otherwise from the former courts of common pleas, or from the former circuit courts consisting of one

Suits to be remanded from the general to the circuit courts.

[ 63 ]

of the judges of the general court, for the purposes of

P. [62], l. 15. In the enrolled act the words "use of the" appear between the words "the" and "party."—Ed.

obtaining a change of venue shall be returned to the circuit courts of the several counties in which they were instituted, and the general court at their first term shall order the said suits to be so returned, any law or usage to the contrary notwithstanding.

Repealing  
section.

§ 6. *Be it further enacted*, That all that part of the act entitled an act regulating the general courts approved September seventeenth eighteen hundred and seven and all and every act and part of an act which gives, original jurisdiction to the general court either in civil or criminal cases be and the same are hereby repealed: *Provided*, Nothing herein shall effect suits or prosecutions already instituted in said courts-

Proviso.

General  
courts not to  
hold courts of  
Nisi Prius, or  
courts of Oyer,  
and Terminor,  
& general jail  
delivery.

§ 7. *Be it further enacted*, That so much of, and every act as authorizes the judges of the general court or any one of them to hold circuit courts of Nisi Prius, courts of Oyer and Terminor, and general jail delivery in the several counties in this Territory, and so much of all and every act and acts as authorizes the said judges or any of them to hold special courts of Oyer and Terminor, or special courts for the trial of criminals, by commission from the governor be and they are hereby repealed.

Special courts  
held by courts  
of common  
Pleas repealed.

§ 8. *Be it further enacted*, That the act, entitled an act, authorizing the courts of common pleas to hold special courts for the purposes therein named approved Decem-

[ 64 ]

ber eighteenth, eighteen hundred and thirteen, be and the same is hereby repealed.

Suits to be  
tried at the  
general court  
held at Frank-  
lin.

§ 9. *And be it further enacted*, That all original suits indictments and recognizances in said general court, commenced by or against any person or persons residing in the counties of Switzerland, Dearbourn, Franklin and Wayne shall and they are hereby transferred to the terms of the general court to be held in the county of Franklin

§ 7, l. 1. In the enrolled act the word "all" appears between the words "of" and "and."—Ed.

and upon the application of either of the parties in said suits or indictments to the terms of the said court held at the seat of government, the said court shall order either the original papers and documents in said suits or transcripts thereof certified by the clerk to be sent to the terms of said general court to be held at Brookville, and the clerk of the general court shall obey the order of the said court to send the said papers in the said suits, or a transcript thereof under the penalty of two hundred dollars for each offence, to be recovered by indictment for the use of the party injured.

General court  
to order pa-  
pers docu-  
ments &c.

This act to take effect from and after the passage thereof.

[ 65 ]

#### CHAPTER XVIII.

*An ACT making certain specific appropriations.*

APPROVED—SEPTEMBER 10, 1814.

§ 1. *BE it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same,* That there shall be allowed to Jacob Rhoads for printing five hundred copies of the laws, passed at the present session of the Legislature, the sum of one dollar and twenty five cents per page (Octavo page) and two cents for stitching each copy; and so soon as the printing and stitching of said laws shall be completed, the Territorial treasurer is hereby authorized to issue his warrants for the same, payable at the treasury, as in other cases.

Appropriation for printing the laws.

§ 2. *Be it further enacted,* That so soon as the laws of the present session may be completed by the printer, he shall immediately forward thirty five copies of the laws, to the clerk's office of the several counties, to be distributed to the civil officers, and the expence of the said transportation of the said laws, shall be paid out of the Territorial treasury, on the warrant or warrants of the treasurer; and the residue of the laws shall, by the

Laws to be sent to the different clerks offices.

§ 1, l. 4. The second word is "Rhodes" in one copy of the laws examined.—Ed.

printer be delivered in the Secretary's office for the Territory, the expence of transportation shall be paid as above.

Secretary to  
deliver enrol-  
led bills &c.

§ 3. *And be it further enacted*, That the secretary of the Territory shall deliver the

## I

## [ 66 ]

enrolled bills, passed at the present session to the printer, taking his receipt for the same; and the said printer shall, after the printing is completed, and at the time he deposits the law, agreeably to this act, in the office of the secretary, return the enrolled bills.

Allowance to  
Gen. John  
Gibson.  
—to Davis  
Floyd.

§ 4. *And be it further enacted*, That general John Cibson, be allowed the sum of twenty dollars for copying and transmitting nine copies of the law reorganizing courts of justice to the clerks of the several counties; and to Davis Floyd the sum of forty eight dollars and twenty five cents for furnishing stationary to the Legislature at the present session, and a trunk for the secretary of the council and for the use of the Territory, also including stationary for the treasurers office, and two quires of blank warrants; and to Isaac Shelby ten dollars for making out in the year, 1811 abstracts of the land which had been stricken off the county of Clark and had fallen into the counties of Harrison and Jefferson, which abstracts were for the purpose of furnishing the several clerks with the list of lands which had fallen into their respective counties.

—to Isaac  
Shelby.

## CHAPTER XIX.

*An ACT supplementary to the several acts respecting highways.*

APPROVED—SEPTEMBER 10, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives*, That no per-

## [ 67 ]

son whatsoever shall be compelled to work more than five days, annually on the highway or highways in this Territory; unless a new road is to be opened, and in such case no person shall be bound to work more than ten days annually.

Persons shall work on the highways five days.

§ 2. *And be it further enacted*, That whenever any supervisor of any highway shall return any person to any justice of the peace for failure to work on any highway agreeably to the order of such supervisor, it shall be the duty of such justice to hear any excuse such delinquent may make to exonerate himself from any fine imposed by law in cases of delinquency, and if in the opinion of said justice the excuse is sufficient (such as sickness or other unavoidable disability) the said justice shall discharge said delinquent, and no costs shall in such case be demandable.

Justice of the peace to hear excuse &c.

This act shall take effect from and after the passage thereof.

## CHAPTER XX.

*An ACT regulating the practice in the circuit courts and court of appeals.*

APPROVED—SEPTEMBER 10, 1814,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the act entitled an act regulating the practice in the general court and courts of common pleas and for other purposes, approved September seventeenth, eighteen hundred and seven, and all acts

Making certain acts the rule of practice in the circuit courts & courts of appeals.

## [ 68 ]

and parts of acts amendatory or supplementary to the said act which are now in force in this Territory are



hereby declared to be applicable and made the rule of practice for the circuit courts and court of appeals now established or hereafter to be established in this Territory.

Appeals may be had from justices of the peace to the circuit courts.

§ 2. *And be it further enacted,* That appeals shall be taken and had from the justices of the peace in the several counties, to the circuit courts in the same manner, and by and under the same rules and regulations, that they were taken and had from the said justices, to the courts of common pleas, and former circuit courts.

Motions, petitions, applications &c, to be made to the circuit courts.

§ 3. *And be it further enacted,* That all motions, petitions and applications in favour of, or against any public officer or officers, or in favor of or against any person or persons, body or bodies politic, that might have been lawfully made to the general court, court of common pleas or former circuit court, (except in cases of appeals or writs of error, and such as concern the county police) may be made to the circuit courts now established by the persons lawfully authorized, and the said circuit courts shall hear and determine the same according to law, and the said circuit courts, shall have full power and authority to make and issue all rules, orders, awards, and sentences, in all cases (except as before excepted) in the same manner and by and under the same rules and regulations that the courts of common pleas and former

Circuit courts to make and issue all rules orders, awards and sentences.

[ 69 ]

circuit courts could or might do in such cases, and shall generally do, perform and exercise, all and singular, the duties and privileges that might have been done, performed and exercised, by the courts of common pleas & former circuit courts, as fully and amply, and in the same manner, and by and under the same rules and regulations that the said courts of common pleas, and former circuit courts could or might have done.

Circuit courts shall issue writs of cer-

§ 4. *And be it further enacted,* That the said circuit courts now established, shall issue writs of certiorari and writs of habeas corpus agreeably to the rules and man-

ner, prescribed in the act entitled an act, authorizing the courts of common pleas to issue writs of habeas corpus and certiorari in certain cases, and the act amendatory of the said act and proceed thereon according to law.

tiorari and writs of Habeas corpus.

§ 5. *And be it further enacted*, That all acts and parts of an act or acts, respecting any practice or proceeding in the said court of common pleas, circuit court or general court, is hereby made applicable and declared to be the rule of practice or proceeding in the said circuit courts.

Rule of practice in the circuit courts to be the same as was in the courts of common pleas &c.

§ 6. *And be it further enacted*, That in all actions of slander, assault and battery trespass, vi et armis, hereafter to be brought or instituted, in any of the courts of this Territory, the verdict of the jury for plaintiff or defendant shall carry full costs, any law to the contrary notwithstanding;

Verdict of a jury to carry full costs.

[ 70 ]

*Provided nevertheless*, That where judgment shall be arrested after verdict the costs shall be taxed as is usually done in such cases of arrest.

Proviso.

§ 7. *And be it further enacted*, That the sheriff of each and every county in this Territory shall twenty days before the setting of the circuit court in his county, summon in the usual manner a sufficient number of free and lawful house holders of said county, for grand and petit jurors, who are hereby required to attend the said court accordingly, under the penalties prescribed by the seventh section of the act entitled an act, regulating the general court, to be imposed agreeably to the provisions therein recited, and to be disposed of in the same manner.

Sheriff shall summons grand and petit jurors.

§ 8. *And be it further enacted*, That in all cases where appearance bail is by law required, the sheriff or other proper officer in place of taking bond for appearance as heretofore has been done, shall take a recognizance of special bail in the common form for the defendants appearance at the next term, and shall deliver the bail, a bail piece at the same time if required, which recogni-

Recognizance of special bail to be taken by sheriff or other proper officer.

Sheriff to give the bail a bail piece if required.

zance shall be taken, held and deemed as good and available in law as if the same had been taken before the court, or a judge, at the return of the writ or day of appearance for which the sheriff shall be allowed seventy five cents to be taxed with the costs, and if the defendant shall fail to appear accordingly, the same proceedings

## [ 71 ]

Recognizance to be returned to the clerks office.

may be had as has been usual in such cases, which recognizances shall be by the sheriff or other proper officer returned to the clerks office, under the same penalties, as for failing to return a bail bond, as prescribed by the third section of the act entitled an act, regulating the practice in the general court and court of common pleas, and for other purposes, and the clerk shall file the said recognizance, and may grant a bail peace upon the same as has been usually done in such cases, and if the bail be adjudged insufficient on application to the court, the sheriff shall be liable in the same manner as he formerly was upon a bail bond.

Clerks to file recognizance.

§ 9. *And be it further enacted*, That the associate judges of each county shall at their first term for doing business relating to the county police, take up all unfinished business returned to them by the clerk of the former circuit court, in the order in which it may stand before them, on their docket, and finish the same agreeably to the laws that now are or hereafter may be in force, in the same manner and under the same rules and regulations, that the courts of common pleas and former circuit courts ought to have done.

Associate judges shall take up all unfinished business returned to them by the clerk of the former circuit courts.

Circuit judges to hold courts in each county in their circuits.

§ 10. *And be it further enacted*, That the circuit judges to be appointed under the act entitled an act establishing circuit courts, by and under the authority of their commissions, shall hold the courts in the counties that now are and that hereafter

L. 4. In the enrolled act the last word is "twenty" instead of "seventy."—ED.

## [ 72 ]

may be struck off, and attached to their different circuits.

§ 11. *And be it further enacted*, That every days proceedings of the court, during the term shall be drawn at full length by the clerk thereof against the next days sitting, which being examined and the errors corrected by the court, the circuit judge or in his absence the elder associate shall forthwith sign the same.

Every days proceedings to be drawn at full length.

§ 12. *And be it further enacted*, That no appeals, writ of error, habeas corpus, certiorari or audita querela be taken from the circuit courts now established in any case which has been originally instituted, or at any time depending in any of the former circuit courts, and removed into the present circuit courts by virtue of the act, entitled an act to transfer the business of the former circuit courts into the circuit courts last established, and for other purposes, in any manner or under any pretences whatsoever, any law or usage to the contrary notwithstanding.

No appeals to be taken writs of error &c. from the circuit courts.

§ 13. *Be it further enacted*, That hereafter it shall be lawful for any person who shall issue a habeas corpus, ad subjiciendum to release himself or herself from the custody of any person not being an officer of the peace, to plead to the return made to said habeas corpus any matter of law, or fact which he or she may think proper, and if the facts stated in the return are admitted by the plea the court or judges as the case may be, may decide thereon, instanter, but

Any person to plead to the return made upon a writ of habeas corpus ad subjiciendum.

Courts their duty.

## [ 73 ]

if the facts in the return are denied or contravened by other facts in the plea, if before a judge he shall return the proceedings to the next circuit court held in the county, if by the presiding judge of the circuit court, or the associate judges in said county, or if by one of the

§ 11, l. 4. The enrolled act reads "all errors corrected thereon by" instead of "the errors corrected by."—Ed.



judges of the general court to the next general court and recognize the parties with sufficient security to appear at the court to which the proceedings shall be returned, it shall be the duty of the court to submit the same to a jury, under the same rules and regulations that issues in fact are submitted to a jury in other cases, and the jury may find for the party detained in custody with damages for his detention, or they may find that he, she or they, shall be returned into the custody of the party claiming such right of detention, or they may find the facts specially, and leave the law arising thereon to be pronounced by the court, and the court shall give judgment accordingly.

Jury their duty.

§ 14. *Be it further enacted*, That whenever any notice shall be required by law to be given by any party, litigant to the opposite party, in any suit in any circuit court, or in any matter to be brought before any circuit court, the notice so required may be given to said party, his, her, or their agent or attorney at law, if they or either of them reside in this Territory, but if neither the party, agent or attorney reside within this Territory, in that case such no-

Notice to be given what deemed sufficient.

## K

[ 74 ]

tice may be filed in the clerks office of the court where the matter is depending, or intended to be instituted, or published for three weeks successively in the Western Eagle or Western Sun.

§ 15. *And be it further enacted*, That the said associate judges of the circuit courts, shall have full cognizance of all matters relating to the probate of wills, letters testamentary, and letters of administration, and of the disposition of minors and decedents estates, agreeable to the laws that now are, or that hereafter may be in force,

Associate judges to have cognizance of the probate of wills letters testamentary &c.

L. 2. In the enrolled act the word "surety" instead of "security" appears between the words "sufficient" and "to."—ED.



and the clerks of the circuit courts, and the judges thereof, or any one of them shall have full power and authority in and out of court, in all such cases, to do and perform all or any of the duties enjoined by law on the court, judge or clerk of the common pleas and former circuit courts, as fully and amply as the said court, judges or clerks of the said common pleas and former circuit courts might or could have done.

§ 16. *And be it further enacted*, That the said circuit courts shall have power and authority to issue writs of ad quodamnum and decide thereon according to law.

Courts to issue writs of ad quodamnum.

This act to take effect from and after the passage thereof.

[ 75 ]

## CHAPTER XXI.

*An ACT to regulate the practice in Chancery cases.*

APPROVED—SEPTEMBER 10, 1814,

§ 1. *BE it enacted by the Legislative council and House of Representatives*, That the ninth and tenth sections of the act entitled an act fixing the times of holding courts within this Territory, approved March 11 1813, and the act entitled an act for organizing a court of chancery, approved September the seventeenth eighteen hundred and seven, and all acts in amendment thereof and supplementary thereto be, and the same are hereby repealed.

Repealing section.

§ 2. *Be it further enacted*, That the several circuit courts in this Territory, established at this session of the legislature of this Territory, in the several counties in which they shall hereafter be held, shall have power and authority to hear and determine all matters, cases, suits and actions in equity which may arise in their respective counties; and shall for that purpose have power to issue subpœnas, attachments, proclamations, writs of sequestration and Ne Exeat, and to award injunctions, and any and all other process which does, or may apper-

Circuit courts their power.

No subpoena to issue until the bill is filed with the clerk.

tain to a court in chancery, subject however to the regulations herein contained.

§ 3. *Be it further enacted*, That no subpoena in chancery shall issue, until the bill is filed with the clerk of the court; and

## [ 76 ]

Subpoena to run in the name of the United States &c.

on filing of the bill, the clerk shall issue the subpoena which shall run in the name of the United States, bear test in the name of the clerk who issued the same, be dated the time when it issues, be sealed with the judicial seal of said court, and made returnable to the first day of the next succeeding term of said circuit court, but if the subpoena is issued in term time it may be made returnable to any day of the term in which it issues, or to the first day of the next term, in the election of the complainant or complainants.

Complainants may make a plurality of defendants.

§ 4. *Be it further enacted*, That the complainant or complainants, may make as many defendants to his, her or their bill, as he, she or they please, although they may claim under different titles, but if the bill is dismissed as to any of the defendants, or any of the said defendants shall succeed on the final hearing of the cause, the complainant or complainants shall pay him, her or them their costs; except the court for special reasons shall otherwise decree, according to the circumstances of the case.

Complainants may amend their bill &c.

§ 5. *Be it further enacted*, That the complainant or complainants, may amend his her or their bill at any time before the defendant or defendants have answered, without the payment of costs, but in all material amendments after the answer is put in, he, she or they shall pay the defendant or defendants the costs occasioned by said amendment.

§ 6. *Be it further enacted*, That the de-

## [ 77 ]

Defendants to answer bill.

defendant or defendants, shall file his, her or their answer, within three months after the return of the subpoena

executed, but if the defendant or defendants, shall not file his, her or their answer within the said three months, the complainant or complainants may take his, her or their bill as confessed, and the court shall decree the matter thereof, or the complainant or complainants may have a general commission to take depositions, or an attachment to compel the defendant or defendants to answer the bill, or to answer interrogatories at his, her or their election, if the defendant or defendants are attached and refused to answer, the bill may be taken for confessed, or the defendant or defendants committed to prison, until he, she or they shall put in a sufficient answer to the bill or the interrogatories.

Defendants may be committed to prison.

§ 7. *Be it further enacted*, That the defendant or defendants may introduce any new matter in his, her or their answer, material to his, her or their defence, and call upon the complainant or complainants to answer thereto on oath or affirmation, which the complainant or complainants shall do within the same time, under the same rules and regulations as a defendant or defendants are compelled to answer the bill of the complainant or complainants.

Defendants may introduce new matter in his, her or their answer.

§ 8. *Be it further enacted*, That the defendant or defendants, shall be at liberty to bring in any new party before the court,

Defendants may bring in

[ 78 ]

he shall state in his answer, and insert interrogatories for him, her or them to answer, whereupon a subpoena shall issue and all other proceeding be had as is directed in the case of the other defendants.

a new party before the court.

§ 9. *Be it further enacted*, That the defendant or defendants shall answer on oath or affirmation, he, she or they may amend his, her or their answer at any time, before a special replication is filed, without costs; but if the answer is amended after special replication is filed,

Defendants to answer on oath may amend his, her or their answer &c.

P. [78], l. 4. In the enrolled act the word "the" between "of" and "other" is omitted.—Ed.

the party so amending shall pay the complainant or complainants the costs occasioned thereby.

No dilatory plea or special demurer shall be received.

§ 10. *Be it further enacted*, That after answer is filed, or on the setting aside an office judgment, no plea in abatement, or other dilatory plea, or special demurer shall be received, unless it be a matter arising since the last continuance of the cause, nor shall any demurer, either general or special be received after answer is filed.

Complainants may file his, her or their exceptions.

§ 11. *Be it further enacted*, That the complainant or complainants shall reply or file exceptions within two calendar months after the answer is filed, if he, she or they fail so to do, the defendant or defendants may give a rule to reply with the clerk of the court, which being expired and no replication or exceptions filed, the suit shall be dismissed with costs unless the court for good cause shewn on the payment of costs shall set aside such office judgment.

§ 12. *Be it further enacted*, That if the complainant or complainants shall except to

[ 79 ]

Complainants shall reply or file exceptions &c.

the sufficiency of any answer, he, she or they may file his her or their exceptions with the clerk and give a rule to make a better answer, and if within the time of such rule the defendant or defendants shall put in a sufficient answer the same shall be received without costs, but if the defendant or defendants insist on the sufficiency of the answer, or fail to put in a sufficient answer, or put in another insufficient answer the complainant or complainants may set down his, her or their exception to be argued at the next term of the court, and after the expiration of such rule, or second insufficient answer put in no further or other answer, shall be received without costs, and if upon argument the exceptions of the complainant or complainants shall be over ruled, or the answer be adjudged insufficient, the party succeeding shall be entitled to such costs as the court shall allow.

§ 13. *Be it further enacted*, That if the defendant or



defendants (after the first answer is adjudged insufficient) shall put in a second answer which is adjudged insufficient the costs shall be doubled, and if said defendant or defendants shall put in a third answer which shall be adjudged insufficient, he may be examined in court upon interrogatories, and if he, she or they refuse to answer, he, she or they shall be committed until he, she or they shall answer them at his, her or their own costs.

Costs shall be doubled.

Defendants may be committed.

[ 80 ]

§ 14. *Be it further enacted*, That if the defendant or defendants after process of contempt, shall put in an insufficient answer, the complainant or complainants may proceed with the process of contempt as if no answer had been put in.

Procedure in case of contempt.

§ 15. *Be it further enacted*, That where any defendant or defendants reside out of this Territory, the court shall enter up an order of publication, that unless the defendant or defendants shall appear on or before the first day of the next term and answer the bill of the complainant or complainants, the bill shall be taken for confessed, which order shall be published in the Western Eagle or Western Sun, for eight weeks successively, and if the defendant or defendants shall not appear agreeably to said order, the bill shall be taken for confessed, and the matter thereof decreed; or the complainant or complainants may take a general commission and take depositions before the decree.

Court to make out an order of publication

§ 16. *Be it further enacted*, That after appearance, or subpœna executed, or publication as aforesaid, the amendment of the bill or other pleadings, shall not require a new subpœna or other publication.

A second publication not required.

§ 17. *Be it further enacted*, That all process in chancery shall be executed by the sheriff of the proper county, unless he is a party to the suit, and in that case it shall be executed by the coroner, or such special commissioner as the court shall appoint; an alias, pluries, or other subpœna

All process in chancery to be executed by the sheriff

An alias, pluries may issue without an order of court.



[ 81 ]

may issue without an order of court, but no process of contempt shall issue unless the subpoena has been executed by a sworn office.

Proceedings where the defendant resides in another county.

§ 18. *Be it further enacted*, That when one or more of the defendants reside in any other county or counties in this Territory, the process in chancery may issue to such county or counties, and be executed on such defendant or defendants, by the sheriff or sheriffs (or coroner as the case may be) of such county or counties, and shall be returned to the office from which it issued on the return day thereof.

Rules to plead answer &c to be given in particular cases.

§ 19 *Be it further enacted*, That rules to plead, answer, reply, rejoin, or other pleading not herein particularly mentioned, shall, when necessary be given from month to month, on the rule docket, kept for that purpose, in the clerks office of said court, and if the complainant or complainants shall fail to file any part of his, her, or their pleadings within the rules thus given his, her or their suit shall be dismissed, and if the default in pleading shall be on the part of the defendant or defendants, the complainant or complainants may enter up such office judgment as the situation of the case in such stage of it may require, but such office judgments may be set aside by the court at their next term on payment of costs.

Suits to be dismissed.

Office judgment may be entered.

Answer to be taken before a judge or jus-

§ 20. *Be it further enacted*, That all answers shall be on oath or affirmation before any judge or justice of the peace, and

L

[ 82 ]

tice of the peace.

if the answer shall deny the allegations in the bill, the complainant or complainants shall not have a decree, unless the matter of the bill so denied, shall be proved by two witnesses or by one witness and corroborating circumstances.

P. [81], l. 3. In the enrolled act the last word is "officer" instead of "office."—ED.

§ 21. *Be it further enacted,* That no special replication shall be necessary to the trial of any cause in chancery, nor shall a special commission be necessary to take depositions, but the complainant or complainants one month after he, she or they file his, her or their bill and the defendant or defendants immediately after he, she or they file his, her or their answer, shall be at liberty to take depositions on giving reasonable notice of the time and place of taking the same, and the deposition so taken shall be read on the final hearing of the cause.

General rule for taking depositions.

§ 22. *Be it further enacted,* That three months after a general commission to take depositions, either party may set the cause for hearing and neither party shall take depositions thereafter without leave of the court for good cause shewn and payment of the costs occasioned thereby.

Either party may set the cause of hearing.

§ 23. *Be it further enacted,* That the cause may be heard and finally determined in one month after the same is set for hearing.

Cause may be determined.

§ 24. *Be it further enacted,* That the court may appoint auditors to settle accounts and commissioners to perform specific decrees and summon juries to find facts and try feigned issues.

Courts to appoint auditors &c.

[ 83 ]

§ 25. *Be it further enacted,* That the said courts in term time or the circuit judge or two associates in vacation shall have power to award injunctions, the said court or the two associates in vacation, may award said injunctions to operate in their own county, but the circuit judge may award injunctions to enjoin any judgment within the district over which he presides.

Circuit judge or two associates in vacation may award injunctions.

§ 26. *Be it further enacted,* That injunctions may be awarded in open court without notice, but no injunctions shall be granted or awarded in vacation unless the party applying for the same shall give ten days notice of the time and place of his application to the defendant or de-

Injunctions may be awarded in open court.

No injunction to be awarded unless a bill is filed.

Complainant or complainants to give bond with approved security.

No injunction to be granted to stay proceedings on any

defendants, nor shall any injunction be awarded unless upon bill filed and the allegations thereof supported by oath or affirmation before some judge or justice of the peace, nor unless the court or the circuit judge or the two associates, as the case may be, shall be satisfied of the equity in the bill, nor unless the complainant or complainants shall give bond with security to be approved of by the court or the judge or judges as the case may be in a sum sufficient to secure the payment of the judgment and costs so to be, enjoined together with ten per centum thereon.

§ 27. *Be it further enacted*, That no injunction shall be granted to stay proceedings on any judgment at law unless the party applying for the same shall release all errors at law in the judgment so prayed

[ 84 ]

judgment unless the party release all errors.

to be enjoined under the seal of the party praying the injunctions to be filed in the suit at law, and certified in the bill; nor for a greater sum than he, she or they shall shew that he, she or they are not equitably bound to pay and so much as shall be thought necessary to cover costs; nor unless the sum to be enjoined is sufficient to admit of original jurisdiction in the court to which application is made for the injunction.

Injunctions to stay proceedings.

§ 28. *Be it further enacted*, That whenever an injunction is awarded the clerk shall issue a subpoena with the injunction, which shall enjoin all parties, attornies, officers &c. from proceeding on the judgment enjoined, and from the issuing of the same all proceedings on said judgment and any execution thereon shall be stayed, and all and every officer of said county and of this Territory shall desist, and if the sheriff or other officer has taken any money or property of the defendant or defendants at law from the complainant or complainants in equity, he shall return the same to said complainant or complainants in equity, and return such execution enjoined to the office from whence it issued.

Sheriff to return money and property.

§ 29. *Be it further enacted*, That motions to dissolve injunctions on the bill for want of equity, may be made at any time without notice; but motions to dissolve on bill and answer, or bill answer and exhibits shall not be made, unless the opposite party has had ten days notice of such

Proceedings in cases of motions to dissolve injunctions &c.

[ 85 ]

motion; and on the dissolution of any injunction the court shall decree in favour of the defendant or defendants ten per centum on the amount of the judgment at law.

§ 30. *Be it further enacted*, That the said courts or the circuit judge, or the two associates in vacation, shall have power to grant writs of Ne Exeat; but said writs shall not be granted but upon bill filed, and the allegations therein supported by oath or affirmation, nor until the party praying for the same shall enter into bond in the clerks's office of the court, from which the same is to be issued in such sum and with such securities as the court or the judge or judges granting the same shall direct; and the court, or the judge, or the judges granting said writ shall endorse thereon in what penalty, bond and security shall be required of the defendant or defendants, and if the defendant or defendants shall go out of the Territory and return before a personal appearance shall be necessary by any decree of the court, or shall be necessary to perform any order of the court; such, his, her or their temporay departure shall not be considered a breach of the conditions of the bond, and in case any person or persons so stayed by such writ of Ne Exeat, shall think himself, herself or themselves aggrieved thereby he, she or they may bring suit on the bond so given by the complainant or complainants, and if on the trial it shall appear that such writ

Courts, circuit judges or two associates to grant writs of ne exit.

[ 86 ]

was prayed without a just cause, the person or persons



injured shall recover the damages sustained by such writ of Ne Exeat.

Ne exit may be discharged. § 31. *Be it further enacted*, That if the defendant or defendants shall by answer satisfy the court that there is no reason for his being restrained, or give sufficient security to perform their decree the writ of Ne Exeat may be discharged.

Non-resident complainants must give security. § 32. *Be it further enacted*, That resident and non-resident complainants shall be subject to the same regulations respecting security for costs as resident and non-resident plaintiffs now are by the laws of this Territory.

Security may be discharged &c. § 33. *Be it further enacted*, That when any person or persons shall be security for any complainant or complainants, defendant or defendants under the provisions in this act, and shall feel himself, herself or themselves in danger of suffering by the insolvency of the person or persons for whom he, she or they are security, he, she or they may by application to the court in which said security was given, having first given the principal or principals ten days notice of the time and place of such application, be released from such obligation, nevertheless if he, she or they are security for the defendant or defendants on a writ of Ne Exeat, he, she or they shall when they make such application deliver to the custody of the sheriff in open court the person or persons of such defendant

[ 87 ]

Proviso. or defendants, and in such case the court shall proceed as if no such bond had been given, unless such party or parties shall give further and other sufficient security: *Provided however*, That such release from such obligation shall not exonerate such principal or principals, security or securities from any breach of his, her or their obligation which took place previous to such release, including all debts, damages and costs due and accrued previous to such release.

§ 34. *Be it further enacted*, That all notices required



by the provision in this act, shall be given to the party, his, her or their agent or attorney, provided said party, agent or attorney resides within this Territory, but if neither the party agent or attorney resides within this Territory, the notice shall be filed in the clerks office of the court where the suit is depending, or published three weeks successively in the Western Eagle or Western Sun.

Notices, shall be given to the party &c.

§ 35. *Be it further enacted*, That costs shall be taxed in favour of the party who succeeds in any suit in chancery, and in taxing the costs an attorney's fee of five dollars shall be allowed; but when the title on land shall come in question, the attorney's fee taxed shall be ten dollars.

Costs shall be taxed in favour of the party who succeeds.

§ 36. *Be it further enacted*, That the court may issue any execution to carry into effect any decree in the same manner and to operate in the same way to all intents and purposes on any decree, pro-

Courts may issue execution.

[ 88 ]

nounced in any case in chancery as a court of law may now or hereafter on any judgment at law.

§ 37. *Be it further enacted*, That all suits, actions, bills, petitions, motions, and all manner of proceedings now depending in the court of chancery in this Territory be, and the same are hereby made cognizable in the circuit court now established at this session of the legislature, and hereafter to be holden in and for the county of Knox, which said circuit court of Knox shall take up the said suits, actions, bills, petitions motions and proceedings in the manner in which they now stand in the said court of chancery, and proceed thereon to final judgment, decree and execution in the same manner and by the same rules and regulations as if the same had been originally instituted in the said circuit court.

Suits, actions &c now pending in the court of chancery transferred to the circuit courts in the county of Knox.

§ 38. *Be it further enacted*, That the clerk of the court of chancery, shall on or before the first day of October next deliver over to the clerk of the circuit court for the county of Knox, all the books, dockets, writings, papers,

Clerk of the court of Chancery, to deli-

ver books  
dockets &c to  
the clerk of  
the circuit  
court of  
Knox.

records, bills, answers, exhibits, deeds, documents, petitions, notices, depositions, affidavits, orders, rules, process, and all and every matter and thing whatsoever, belonging or in any manner appertaining to the office of the clerk of the court of chancery, or in any way belonging or appertaining to said court of chancery, in the same order in which they now exist in the clerks office

[ 89 ]

Clerk of the  
court of chan-  
cery to be fin-  
ed.

of the court of chancery and if the said clerk of the said court of chancery shall fail neglect or refuse to discharge the duties assigned him by this act, or shall fail in any part or particular thereof he shall be fined in any sum not exceeding five thousand dollars, to be recovered by indictment in any court having cognizance thereof, one half to the informer and the other half to the Territory, and shall moreover be liable to the action of any person who may be injured thereby.

Clerk to  
docket suits  
in chancery.

§ 39. *Be it further enacted*, That the clerk shall docket the suits in chancery immediately after the United States cases, and the court shall proceed to hear them, at such times during the term as may best suit the convenience of the case and the business before them.

Clerks fees.

§ 40. *Be it further enacted*, That the Clerk shall be entitled to fifty cents for issuing a subpœna or attachment in chancery, and twelve and a half cents for the endorsement of an injunction on the subpœna, for taking any bond under this act fifty cents, for filing any bill, answer, plea, demurer or replication or other pleading, twelve and a half cents, for entering up an order of publication, twenty-five cents, and for a copy of the same, twenty-five cents, and for all other services he may perform under this act he shall be entitled to the same fees as are allowed by law for similar services in the former courts of common pleas.

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§ 39, l. 5. In the enrolled act the third word is "court" instead of "case."—ED.

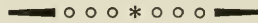
[ 90 ]

§ 41. *Be it further enacted*, That the sheriff (commissioner or coroner as the case may be) shall be entitled to fifty cents for executing a subpoena or attachment in chancery, or a writ of Ne exeat, and twelve and a half cents for returning the same, and fifty cents for taking bond of the defendant or defendants and each of them in a writ of Ne Exeat, and for all other services he may perform under this act he shall be entitled to the same fees as are allowed by law for similar services in the former court of common pleas. Sheriffs fees.

§ 42. *Be it further enacted*, That if any clerk or sheriff shall demand and receive any, or higher fees than are allowed by this act for any service he may perform under this act, or demand and receive any fee for services not by him performed, he shall forfeit and pay for each and every item so overcharged the sum of ten dollars and the sum so overcharged to be recovered by any person suing for the same by warrant before any justice of the peace in the county where the clerk or sheriff resides. Clerk or Sheriff to be fined

This act shall take effect from and after the passage thereof.

RESOLUTIONS.



A RESOLUTION.

*A joint resolution dispensing with the next annual meeting of the legislature.*

APPROVED SEPTEMBER—8, 1814.

*RESOLVED by the Legislative Council and House of Representatives, That the next annual meeting of the legislature required by the act entitled an act fixing the time of the annual meeting of the legislature until altered by law, be and the same is hereby dispensed with; and that the next meeting of the legislature held by authority of the aforesaid act, shall be at the seat of government on the first Monday in December in the year one thousand eight hundred and fifteen.*

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A RESOLUTION.

*A joint resolution respecting the printing of the acts of the Legislature.*

APPROVED—SEPTEMBER 6, 1814,

*RESOLVED by the Legislative Council and House of Representatives, That the printer of the acts of the Legislature, hereafter, shall not print the names of*

[ 92 ]

the speaker of the House of Representative, the president of the Council, nor of his excellency the governor, to any of the several acts hereafter to be printed; but

shall immediately after the title of each and every act insert the time when the same was approved.

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#### A RESOLUTION.

*A joint resolution, respecting the printing the acts of the Legislature.*

APPROVED—SEPTEMBER 8, 1814,

*RESOLVED* by the Legislative Council and House of Representatives, That in printing the acts of the legislature hereafter to be printed, it shall be unnecessary to print, any act containing a charter of incorporation, or any act, the object of which is local and confined to any particular, company, town or county, or for the relief of any particular person or persons, or officer or officers, whatsoever, but the printer shall at the end of the general acts, and resolutions, print the titles of all the local and special acts with the time when the same were approved, and at the head of such list of local and private acts insert the general title of local and private acts.

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#### A RESOLUTION.

*A joint resolution of both Houses.*

APPROVED AUGUST—29, 1814.

*RESOLVED* by the Legislative Council and House of Representatives, That the several listers for the year

[ 93 ]

1815 be and they be hereby authorized and required at the same time they take lists of the taxable property in their respective counties, to take a list of the free inhabitants within the same, noting in a separate list the free male white inhabitants above the age of 21 years,



and the said list to return together with the lists of the taxable property to the clerks of their respective counties, to the intent that it may be ascertained and known when there shall be sixty thousand free inhabitants within the Indiana Territory; and the clerks of the several courts are hereby required to transmit the same to the House of Representatives, at the same time and in the same manner that they transmit statements of the Territorial levies within their counties, and the courts of claims in the several counties, shall make to the listers reasonable allowances for said services.

And that the said several listers, befor they enter upon the duties of their office, shall take an oath or affirmation before some magistrate or other person duly appointed to administer oaths, to take the census of inhabitants within their districts truly according to the best of their information, and return the same with their list of taxables—

**A**  
**LIST OF PRIVATE ACTS,**  
**DEPOSITED IN THE**  
**SECRETARY'S OFFICE.**

An act for the regulation of the town of Salem, in Washington county.

Approved September 6, 1814.

An act for the relief of Nancy Whitford.

Approved September 2, 1814.

An act for the relief of Benjamin V. Beckes Sheriff of Knox county.

Approved September 10, 1814.

An act to incorporate the Corydon Siminary.

Approved September 9, 1814.

An act supplementary to the act entitled, an act for the regulation of the town of Charlestown.

Approved September 10, 1814.

An act to incorporate the borough of Vincennes.

Approved September 6, 1814.

[ 95 ]

An act to incorporate the Literary Society of Vevey.

Approved August 31, 1814.

An act authorizing the erection of a bridge over Tan-ners creek in the vicinity of Lawrenceburgh.

Approved September 6, 1814.

An act to incorporate the Farmers and Mechanicks bank of Indiana.

Approved September 6, 1814.

An act to incorporate the President, Directors, and company of the bank of Vincennes.

Approved September 10, 1814.

## INDEX.

APPEALS, from judgment of justices of the peace,.....	12, 68
Agent for Warrick county his duty,.....	17
Applicant to give public notice,.....	37
Attachment, .....	47
Allowance to Gen. John Gibson,.....	66
to Davis Floyd,.....	66
to Isaac Shelby, .....	66
Associate Judges shall take up all unfinished business,.....	71
to have cognizance of the probate of wills, letters testamen- tary, &c. ....	74
to sign all orders,.....	56
All process in chancery to be executed by the Sheriff,.....	80
An Alias Pluries may issue without an order of court.....	80
Answer to be taken before a judge or justice of the peace,....	1
Any person to plead to the return made upon a writ of habeas corpus ad subjiciandum,.....	72
Associate Judges their Sallery,.....	6
to be sworn,.....	7
Appointing a lister for Clark county,.....	13
Boundary designatcd, .....	18, 19, 30
Books papers &c. to be deposited with the recorder of Knox county, .....	39
Bond to be taken previous to an attachment,.....	48
Circuit court established courts of record,.....	4
to have cognizance and award sentence,.....	5
shall issue writs,.....	6
to attest all sorts of writs,.....	10
proceed to final judgment,.....	11
award writs of certiorari,.....	12
appoint prosecuting attornies,.....	12
Clerks to attast writs,.....	9
of the former circuit courts to deliver books papers &c....	11
nor recorder to be appointed agent,.....	22
to issue summons,.....	24
docket return, .....	25

Clerks fees, .....	27, 29, 38
duty, .....	36
to be fined for neglect of duty, .....	39
of both houses their compensation, .....	42
to keep separate book for county business, .....	56
to furnish books presses and seals, .....	56
to be fined, .....	62
of Knox and Franklin circuit courts, to be clerks of the general courts, .....	62
to file recognizance, .....	71
of the court of Chancery to deliver books, dockets &c to the clerk of the circuit court of Knox, .....	88
of the court of chancery to be fined, .....	89
to docket suits in chancery, .....	89
or sheriff to be fined, .....	90
Circuit courts to make and issue all rules, orders, awards & sentences, .....	68
shall issue writs of certiorari and writs of habeas corpus, ..	69
to issue writs of adquodamnum, .....	74
their powers, .....	75
Counties forming each circuit, .....	4
of Posey and Perry, to enjoy the same priviledges as other counties, .....	19
county named, .....	31
Circuit judges to be learned in law, .....	4
to be a citizen of the United States, .....	6
to be commissioned, .....	6
sallary, .....	6
to admit attornies and counsellors at law, .....	10
to hold courts in each county in their circuit, .....	71
or two associates in vacation may award injunctions, .....	83
Courts to lay off town lots, .....	16
to erect public buildings, .....	16, 21
their duty, .....	17, 53, 72
where held in the county of Perry, .....	20
to adjourn, .....	21
to proceed to trial, .....	26
to award writs of enquiry, .....	26
may issue an alias summmmons, .....	27
when held, .....	32
to appoint superintendants of election, .....	34
when and where held, .....	54
to make out an order of publication, .....	80



## [ 99 ]

to appoint auditors &c.....	82
may issue execution,.....	87
Commissioners to fix the seat of justice for Posey county,...	20
when and where to meet,.....	21
to fix the seat of justice in Perry county,.....	21
when and where to meet,.....	21
to fix the seat of justice in Switzerland county,.....	32
appointed, .....	35
to hear evidence,.....	36
shall appoint a clerk,.....	36
to hold a meeting,.....	36
shall hear testimony,.....	36
to hold special meetings,.....	37
fees, .....	38
and clerk to be sworn,.....	39
Compensation certified .....	41
Contingent fund, .....	42
Collector of Clark county his duty,.....	57
Commandants of regiments shall superintend annual drill mus-	
ters, .....	59
shall make annual returns,.....	59
Commander in chief to issue orders, &c.....	59
Complainants may make a pleaurality of defendants,.....	76
may amend their bill,.....	76
may file his, her or their bill,.....	78
shall reply or file exeptions &c.....	79
to give bond with approved security,.....	83
Costs shall be doubled,.....	79
shall be taxed in favor of the party who succeeds,.....	87
Cause may be determined,.....	82
Courts, circuit judges or two associates to grant writs of Ne	
Exeat, .....	82
Defendant flying from the Sheriff,.....	25
to answer bill,.....	77
may be committed to prison,.....	77
may introduce new matter in his, her or their answer,.....	77
may bring in a new party before the court,.....	77
to answer on oath.....	79
may be committed,.....	78
Door keepers their compensation,.....	42
Extending the bounds of Washington county,.....	15
Execution to issue for debt and costs,.....	29
blank form, .....	45
Extending the jurisdiction of justices of the peace to 100 dol-	
lars, .....	52

## [ 100 ]

Every days proceedings to be drawn at full length,.....	72
Either party may set the cause for hearing,.....	82
Fines when paid,.....	8
collected by justices to be paid to the judges of the court, .....	53
General Court when adjourned,.....	1
when and where held,.....	61
not to hold courts of nise prius or courts of oyer and terminor and general jail delivery,.....	63
to order papers, documents &c.....	64
Governor to appoint a clerk,.....	9
may order a court martirl,.....	60
General rule for taking depositions,.....	82
Injunctions may be awarded in open court,.....	83
not to be awarded unless a bill filed,.....	83
not to stay proceedings on any judgment unless the party releases all errors,.....	83
to stay proceedings,.....	84
Judges to take recognizances,.....	8
to issue process,.....	8
to send for witness's,.....	9
to appoint persons to superintend elections,.....	22
to erect publick buildings,.....	31
to adjourn,.....	32
when to meet to do county business,.....	55
Judgment, .....	45
on attachment,.....	49
against a garnishee,.....	49
Justices of the peace to hear excuse,.....	67
Jury ther duty.....	73
Length of time each court shall sit,.....	55
Lister of Clark county his duty,.....	57
Laws to be sent to the different Clerks offices,.....	65

## [ 101 ]

Members of the legislature their sallary,.....	41
of the house of representatives, their compensation at the extra session,.....	41

Mitimus for felony,..... 52

Making certain acts the rule of practice in the circuit  
courts and courts of appeals,..... 67

Motions, petitions, applications &c. to be made to the  
circuit courts,..... 68

New county established,..... 30

boundary designated,..... 30

No appeals, writs of error &c. to be taken from the  
circuit courts,..... 72

Notice to be given, what deemed sufficient,..... 72

No subpoena to issue untill the bill is filed with the  
Clerk, ..... 75

No dilatory plea or special demurer be received,.... 78

Ne exit may be discharged,..... 86

Non-resident complainants must give security,..... 86

Notice shall be given to the party,..... 87

One of the associate judges to sign all orders,..... 56

Owners of town lots sold for taxes may redeem the  
same, ..... 58

Oath of office to be administered by a judge or justice  
of the peace,..... 60

Office judgment may be entered,..... 81

Persons indicted where tried,..... 8

Penalty for refusal or neglect,..... 14

Purchasers in the town of Evansville to have bonds  
canceled, ..... 17

Posey county established,..... 18

boundary designated, ..... 18

Perry county established,..... 19

boundary designated, ..... 19

Perry and Posey a part of the first circuit,..... 22

Persons holding bills, bonds &c shall file petition in the  
clerks office, ..... 23

[ 102 ]

Plaintiff obtain judgment against one defendent and  
take out an alias petition,..... 20

proceed to judgment,..... 21

Part of Jefferson attached to Dearborn,.....	34
Perpetuate testimony in the county of Knox,.....	35
Proceedings to be certified.....	37
Papers and testimony to be recorded.....	38
Prosecuting attorney his duty,.....	39
Persons aggrieved may petition the governor,.....	60
Persons shall work on highways five days,.....	67
Proceedings where the defendant resides in another county, .....	81
in case of motions to dissolve injunctions,.....	84
Procedure in case of contempt,.....	80
Recorders fees, .....	40
Recognizances, .....	51
Rule of practice in the circuit courts to be the same as was in the courts of common pleas,.....	69
Recognizance of special bail to be taken by sheriff or other proper officer,.....	70
to be returned to the clerks office,.....	71
Rules to plead, answer &c. to be given in particular cases, .....	81
Sheriff to adjourn,.....	7
to collect and pay over,.....	14
to appoint a lister,.....	14
to give a certificate of election,.....	23
to serve summons,.....	24
to leave summons,.....	25
fees, .....	27, 90
to serve a written notice,.....	32
to make a deed &c.....	58
to give the bail a bail peace,.....	70
shall summons grand and petit jurors,.....	70

Sheriff to return money and property,.....	84
Superior courts to certify to the circuit courts,.....	13
Special courts repealed,.....	13
held by courts of common pleas repealed,.....	63

Secretary of the Territory to transmit a certified copy,  
 &c. . . . . 14

Seat of justice for Warrick county removed, . . . . . 16  
 where established, . . . . . 16

Suits commenced where prosecuted, . . . . . 20, 62

Satisfactory evidence must be produced, . . . . . 37

Summons, . . . . . 43

Subpœna, . . . . . 44

Stay of execution, . . . . . 53

Suits to be remanded from the general to the circuit  
 courts, . . . . . 62  
 to be tried at the general court held at Franklin, . . . 64

Secretary to deliver enrolled bill, . . . . . 65

Subpœna to run in the name of the U. States, . . . . . 76

Suits to be dismissed, . . . . . 81

Security may be discharged, . . . . . 86

Suits, actions &c. now pending in the court of chan-  
 cery transferred to the circuit courts in the  
 county of Knox, . . . . . 88

Switzerland to compose part of the third circuit, . . . . 33  
 to be entitled to one Representative, . . . . . 33  
 to elect Councillor, . . . . . 34

Two associates cannot try criminals, . . . . . 5

Transferring the business from the former circuit  
 courts to the last established, . . . . . 11

Territorial and county, taxes, how collected, . . . . . 20, 31

Treasurer to issue his warrants, . . . . . 42

The first term of each court when to commence, . . . . . 55

Tax to be rated and collected, . . . . . 13

Verdict of a jury to carry full costs. . . . . 69

Warrant, . . . . . 44  
 in a criminal case, . . . . . 50

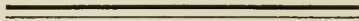




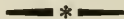
ACTS OF ASSEMBLY  
OF THE  
*INDIANA TERRITORY,*

PASSED AT THE  
SECOND SESSION  
OF THE  
FIFTH GENERAL ASSEMBLY  
*OF SAID TERRITORY,*

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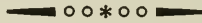
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1816.



ACTS  
OF THE  
*Indiana Territory.*



CHAPTER I.

AN ACT *for the formation of a new County out of the counties of Washington and Jefferson.*

APPROVED December 18, 1815.

SEC. I. **B**E *it enacted by the Legislative Council and House of Representatives, and it is hereby*

*enacted by the authority of the same, That from and after the first day of January next, all that part of the counties of Washington and Jefferson, which is included in the following bounds, shall form and constitute a new county, that is to say, Beginning at a point on the east fork of White River where the line dividing sections four and five, in range two east, town three north crosses the same; thence due north to the Indian boundary line; thence with said boundary line eastward to the point where said line intersects the northern boundary line of the Grouseland purchase; thence with the last mentioned line eastwardly to the*

New county taken out of Washington & Jefferson.

Boundaries.

4

point where the line dividing ranges seven and eight east, crosses the same; thence with the last mentioned line south, to the point where the line dividing townships three and four north, crosses the same; thence with the last mentioned line west, to the east fork of Muscasketuck river; thence down the said river, with the meanders thereof, to the junction of Drift fork of White river;

thence down the same with the meanders to the place of beginning.

County named Jackson. § 2. *Be it further enacted*, That the said county shall, from and after the first day of January next, be known and designated by the name and style of the county of Jackson, and it shall enjoy all the rights and privileges, and jurisdictions, which to a separate county do or may properly appertain and belong: *Provided always*, That all suits, pleas, complaints, actions and proceedings, which may before the said first day of January, have been commenced, instituted and depending within the now counties of Washington and Jefferson, shall be prosecuted to final judgment and effect, in the same manner as if this act had never been passed: *And Provided also*, That the Territorial and county levies, as taxes which are now due, within the bounds of the said new county, shall be collected and paid, in the same manner, and by the same officers, as they would have been, if the erection of said new county had not taken place.

Proviso.

Proviso.

## 5

Com'rs to fix seat of Justice. § 3. *Be it further enacted*, That Alexander A. Meek, of Jefferson county, Joseph Bartholomew of Clark county, Peter M'Intosh of Harrison county, Ralph Cotton, jun. of Switzerland county, and William Lindley of Washington county, be and they are hereby appointed commissioners, to designate the place for the permanent seat of Justice of Jackson county, agreeably to an act, entitled "An act, for fixing the seats of Justice in all new counties hereafter to be laid off." The commissioners above named, or others appointed by the proper court, shall convene at the house of John Ketchum, on Driftwood river, on the second Monday of February next, and there proceed to discharge the duties assigned them by law.

When to convene and where.

Assistant Judges to erect public buildings. § 4. *And be it further enacted*, That the Assistant Judges of the circuit court, shall within twelve months after the permanent seat of Justice be established, proceed to erect the necessary public buildings thereon.



§ 5. *And be it further enacted*, That until suitable accommodations can be had, in the opinion of said court, at the seat of Justice of said new county, all the courts of Justice for the same, shall be holden at the town of Velonia. Courts may be held at Velonia.

§ 6. *Be it further enacted*, That whenever the Indian title to the lands, north of and adjoining to the lands, already purchased, and sold by the United States, all that tract of country, north of said county of Jackson, south of the line dividing town-

## 6

ships seven and eight north, and lying between ranges three and eight east, shall be attached to and become a part of said county of Jackson, and the said line dividing townships seven and eight north, shall be the permanent northern boundary of said county of Jackson.

§ 7. *Be it further enacted*, That to prevent future disputes, and in some measure to quiet the sollicitudes which usually attend the settlement of new counties, respecting fixing county seats, &c. it is hereby declared, that the future permanent northern boundary of the county of Jefferson shall be an east and west line dividing townships five and six north; and whenever the inhabitants north of said east and west line, determined as the future northern boundary of Jefferson county, and lying between ranges seven and twelve east, amount to two hundred rank and file on the muster roll, they shall be entitled to the privileges of becoming a new county. Permanent line of Jefferson co.

This act to take effect from and after the first day of January, 1816. When to be in force.

## 7

## CHAPTER II.

AN ACT to repeal the several laws of the Indiana Territory, authorizing the Judges of the former Courts of Common Pleas and the Judges of the Circuit Courts in

*term time, and the said Judges in vacation to issue writs of certiorari.*

APPROVED December 18, 1815.

Repealing  
act.

§ 1. *BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same, That from and after the first day of March next, the act entitled "An act to amend the act entitled "An act authorizing the Courts of Common Pleas to issue writs of Habeas Corpus and certiorari in certain cases;" and the second, third and fourth sections of the act entitled "An act authorizing the courts of Common Pleas to issue writs of Habeas and certiorari in certain cases," be and the same are hereby repealed.*

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CHAPTER III.

*AN ACT to attach part of the County of Gibson to Posey County.*

APPROVED December 18, 1815.

Part of Gibson  
attached  
to Posey co.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That from and after the first day of March next, all that part of the present County of Gibson, to wit, Beginning on the town-*

8

Boundaries.

*ship line dividing townships four and five, where the line dividing ranges thirteen and fourteen crosses said township line; thence with said range line north till it strikes the Wabash river; thence with the meanders of said river to a point, where the township line aforesaid, strikes said river; thence eastwardly with said township line to the place of beginning, shall be, and the same is hereby separated or taken from the said county of Gibson, and added or attached to the said Posey county; and the said part of the present county of Gibson so separated and attached,*

shall in law and in fact, at all times thereafter, be to all intents and purposes, held, deemed and taken, as part of the said county of Posey: *Provided nevertheless*, That all suits, pleas, complaints, actions and proceedings, which previous to the said first day of March next, may have been commenced, instituted or depending within the present county of Gibson, shall be prosecuted to final judgment and execution, in the same manner as if this act had never taken place; and that all Territorial and county taxes which shall or may be due previous to the said first day of March next in the present county of Gibson shall be collected in the same manner, and by the same officers as they would have been if this act had not been passed. Proviso.

## 9

## CHAPTER IV.

AN ACT *to prevent Swindling.*

APPROVED December 26, 1815.

WHEREAS by the confidence placed by the public in the Banks of this country, which have been conducted in good faith and sound policy, by persons known to possess capital and fair characters, whether incorporated or not, the notes of such banks have been at all times received, in exchange for any kind of merchandize, produce or other property, as readily as the more cumbrous medium of specie, to the great convenience of society; And whereas advantage has been taken of this public faith, and fair dealing, by a set of nefarious swindlers, in this Territory, by passing similar notes of spurious banks without capital to a great extent, in exchange for valuable consideration, to the great injury of the community, and discredit of this Territory; for the prevention whereof, Preamble.

§ 1. *BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same*, That from and after the first day of July next, if any person or persons in this Territory, shall sign, issue, pass, exchange When to be in force.

or circulate any due bill, promissory note, bank note, or instrument of writing for the payment of any money or property, or performance of any covenant or contract, purporting to be the act of any bank, company, secret society, or set of men, in this Territory, other than

## B

## 10

is or are expressed by name, upon the face of such due bill, promissory note, bank note, or instrument of writing, so as to gain a credit and trust, in some unknown person, company, or set of men, to the holder of such note, due bill, or instrument of writing, besides the signer or signers thereof, such person or persons so offending, shall on conviction thereof, by presentment or indictment, before any court having jurisdiction thereof, be fined in treble the amount of such due bill, promissory note, bank note, or instrument of writing, for the use of the county, and shall moreover be liable to pay to the holder and possessor of such due bill, promissory note, bank note, or instrument of writing the amount specified in the same, and the same shall recover with interest, and costs of suit, before any court having competent jurisdiction thereof. *Provided however*, That this act shall not be construed, so as to affect any company or bank, chartered by authority of this Territory. *Provided further*, That this act, shall not be construed, so as to affect any mercantile House, who upon the face of their notes, or other instruments of writing, express the surname of each person, so concerned in such mercantile House, and upon such instrument or instruments of writing, there does not appear to be further responsibility in any person, than such whose surnames are expressed. *And Provided further*, That nothing in this act contained, shall be

To be fined  
in treble the  
amount.

To pay the  
amount spe-  
cified.

Proviso.

Proviso.

Proviso.

so construed, as to prevent the holder or holders, of such

note or notes, now in circulation, from demanding payment of such notes, promissory notes, bank notes of any secret company or set of men, and of receiving in return therefor, any money, goods or property, they may be able to secure from the ostensible issuers, agents, or promoters of such institutions, or secret companies, or others in any way concerned, in such secret company, in this Territory. *Provided also*, That this act shall not be construed, Proviso. to affect any person or persons in this Territory, who have taken instruments of writing, for the payment of money or property to them, under any particular firm, prior to the term this act takes effect. *Provided further*, Proviso. That this act shall be construed to be in force from and after its passage, so far as it will embrace the bank notes, on the Indiana Manufacturing Company, Lexington, Indiana Territory.

§ 2. *Be it further enacted*, That every person or persons, who shall sign, subscribe, test or endorse, any such bank bill or note, promissory note, due bill, or other instrument of writing, for the payment of any money or property, or for the performance of any covenants or contracts, as the agent, cashier, president, endorser of any such note, bank bill, or instrument of writing, holding out to the world a further responsibility, or credit in some unknown person or persons, company or set of men, other

## 12

than is or are expressed on the face of such note or instrument, shall be liable for the whole amount of such note, promissory note, or instrument of writing, in their individual capacity, and be furthermore, amenable to the penalty, contained in the first section of this law.

§ 3. *Be it further enacted*, That from and after the passage of this act, if any person or persons, shall assign, pay, transfer, or pass, to any person, any such notes, or instrument of writing, knowing the same to be of the Not to assign, pay, transfer or pass such notes.

L. 9. In the enrolled act the words "or persons" are omitted.  
—Ed.



Penalty as in 1st sect. nature and quality, as described in the first and second sections of this act, in payment of their just debts, or in exchange for any goods or other valuable consideration, they, and each of such persons so offending, and circulating such notes, or instrument of writing, shall be answerable and responsible to the holder of such notes or instruments of writing, to the full amount thereof, and be moreover liable to the penalties contained in the first section of this act. *Provided however,* That no prosecution, by virtue of the provisions of this act, shall be sustained for the penalty of transferring such notes, unless an indictment shall be found within six months from the time of such transfer.

Proviso.

Passing counterfeit bank notes. § 4. *Be it further enacted,* That if any person or persons, shall pass or attempt to pass, any counterfeit bank note, knowing the same to be counterfeit, to any person or persons, within this Territory, shall upon conviction thereof, be fined in triple the

13

Penalty. amount of the notes thus passed or attempted to be passed, for the use of the county, and moreover receive on his or her bare back, not more than fifty, nor less than twenty-five lashes.

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CHAPTER V.

AN ACT *supplementary to the several acts providing for the opening and repairing Public Roads and Highways.*

APPROVED December 26, 1815.

Court to lay a tax on lands, stores &c. § 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That the courts authorized to transact county business, shall (at the court they fix the rate of taxation) lay a tax on lands, stores and all other objects of taxation, to be appropriated to the opening and

repairing public roads and highways in manner herein after directed, which tax on lands shall be equal to one half the Territorial tax, on retail stores, (reference being had to their value,) and on all other objects of taxation, not exceeding half that which is assessed for county purposes, assessed proportionably on each object of taxation, which tax shall be collected by the sheriffs as collectors, for the same per cent. under the same penalties for asking or receiving more than is legally due, at the same time and in the same manner, and under the same rules and regulations that county tax-

Collected  
by sheriffs  
as other tax-  
es.

## 14

es are, and shall be by the said sheriffs paid over to the Treasurers of the townships as is herein after directed, on or before the first day of April annually.

To pay in  
1st April.

§ 2. *And be it further enacted,* That the said courts shall take bond and sufficient security of the said sheriffs in the penalty of one thousand dollars, payable to the said court, for the use of the county, conditional for the faithful performance of the duties of him required by virtue of this act; which bonds shall be deposited with the clerks of the respective counties, and shall on the condition being broken, be recoverable by motion of the prosecuting attorney in the circuit court, provided that the said sheriffs shall be credited for their lists of delinquents, in the same manner, and under the same rules and regulations that delinquencies are allowed in case of Territorial and county taxes.

Sheriffs to  
give bond.

§ 3. *And be it further enacted,* That the said courts shall at their first term after the first day of January annually, appoint three township Commissioners in each township in their respective counties from the different parts of the townships, who previous to entering on the duties of their office, shall severally take an oath or affirmation, faithfully and impartially to discharge the duties of their office to the best of their skill and understanding, one of whom shall be by said court designated

Courts to  
appoint 3  
Com'rs.

One to be  
designated  
Treasurer.

Township Treasurer, who shall previous to entering on the duties of his office as

## 15

To give  
bond.

Treasurer, give bond and sufficient security to the said court for the use of his township, in the penalty of two hundred dollars, conditioned for the safe keeping, fair accounting for, and paying agreeable to the provisions of this act, all monies that shall come into his hands by virtue of the same, which bonds shall be deposited with the clerks of the respective counties, and shall be recoverable on motion of the prosecuting attornies in the circuit courts, and shall by the prosecuting attornies when collected, be paid over to the treasurers of the respective townships for the time being.

Com'rs to  
meet, where  
& when.

§ 4. *And be it further enacted*, That the commissioners, or a majority of them, shall meet at the place of holding elections in their respective townships, on the first Mondays in March and October annually, and at such other times as they shall appoint or adjourn to, and shall appoint fit persons supervisors or overseers to all the public roads in or passing through their respective townships, shall assign to each supervisor the road or part of road which he shall be overseer of, allot to each the hands which shall be employed in opening and repairing of the same, and particularly direct the sum or sums of money that each supervisor shall draw upon the township treasurer for; and it shall be the duty of the said supervisors so appointed, on receiving notice of their appointments from the township treasurers, to open and

Supervisors  
their duty.

## 16

Penalty for  
neglect.

keep in proper repair agreeably to law the public roads, or parts of roads to them so assigned; and on failure thereof, they shall be subject to the same fines and penalties which the supervisors heretofore appointed by the courts have been, which shall be prosecuted for and collected in the same manner, and under the same rules and

regulations which is provided for prosecuting for, and collecting fines assessed on supervisors by virtue of the several acts to which this is a supplement, and the said fines when collected shall be paid to the treasurers of the respective townships by the officers collecting the same.

§ 5. *And be it further enacted*, That from and after the first day of January next, no person shall be subject to work more than two days on the public roads, in each year, unless a new road shall be laid out, and in that case, not more than four, two on the old, and two on the new road. *Provided always*, That any person who chooses to work out their road tax, shall be permitted at the rate of sixty-two and one half cents per day, provided such labour be performed previous to the first day of September, and at such time or times as the supervisors shall appoint and give notice of; and if any person or persons shall work out their road tax or any part thereof as herein permitted, the supervisors shall give such persons certificates for the same, or such part thereof as they may have worked out, particularly stating

To work  
not more  
than 4 days.

Proviso.

17

therein the numbers of days, which certificates shall be received by the collectors at par, in lieu of road taxes, and the courts shall account with the collectors for the same, and said supervisors shall on the first day which the hands are collected on the roads, appoint the times and places such hands (as choose to work out their road tax) are to meet, give notice of the same to the hands so collected, and advertise in at least three different places in their respective districts, ten days previous to such meeting, the time and place so appointed, and shall on or before the first day of October annually, transmit to the clerks of their respective counties a statement of the amount of the certificates by them given to individuals for labour performed as aforesaid, which statement shall by the said clerks be laid before their respective courts, at the Term they settle with the collectors, and the said

Certificates  
to be taken  
in lieu of  
taxes at par.

Ten days'  
notice to be  
given.



Wages for  
hands and  
teams.

supervisors when they deem it necessary and expedient (and their funds will permit) shall have power to hire hands, teams and carriages to work on the public roads, in opening and repairing of the same, provided that the hire of a hand shall not exceed seventy-five cents per day; the hire of a waggon team of four horses and driver, or four oxen and driver shall not exceed two dollars and fifty cents per day, and that the hire of a cart team of two horses and driver, or of two oxen and driver, shall not exceed one dollar and fifty cents per day, for which labour when

## C

## 18

performed, compensation shall be received of the township treasurer, upon the order of the supervisors.

Justices of  
the peace to  
collect and  
pay in by  
1st of Dec.

§ 6. *And be it further enacted,* That the said supervisors shall deposit with the township treasurers of their respective townships a list of such delinquencies, as may from time to time by them deposited with the justices of the peace for collection, and the said justices collecting such fines, shall pay the same to the township treasurer of the proper township, on or before the first day of December annually, and transmit to the clerks of their respective counties a statement of the amount.

Listers—  
their duty.

§ 7. *And be it further enacted,* That it shall be the duty of the listers of taxable property in the several counties, in listing the lands and taxable property in their respective counties, to list separately the lands and taxable property in each township of the same, and when a part of any tract shall lay in two or more townships, such tract shall be listed in the township where the greatest portion lays; and it shall be the duty of the sheriffs to pay to each township treasurer on or before the first day of April annually, the amount of the tax collected in their respective townships by virtue of this act.

§ 8. *And be it further enacted,* That each supervisor



appointed by virtue of this act, shall receive as a compensation for his services, the sum of one dollar per day, for each and every day they shall be necessarily

Compensation of supervisors.

## 19

employed in notifying and superintending the hands, which shall be allowed by the township commissioners on an account presented by the supervisors, supported by affidavit, and paid by the township treasurer; and each township commissioner shall receive as a compensation for his services the sum of seventy-five cents per day, for each and every day he shall be necessarily employed as commissioner, payable at the township treasury; and the said township treasurers shall receive for their services and stationary such compensation as the courts in their discretion shall deem reasonable and just, which shall be allowed by the said courts in their settlements with the township treasurers; and if on such settlement, there shall be found a balance remaining in the hands of any township treasurer, the same shall be certified by the clerk to the successor in office of such township treasurer, which certificate shall be delivered to the succeeding township treasurer by the sheriffs, as is provided for delivering lists of public roads by the fourth section of this act; and if on a settlement so made it shall appear to the satisfaction of the court that there is remaining in the hands of any township treasurer sufficient funds for opening and repairing of the public roads in his township the ensuing year, without calling out the hands to perform personal labour, the court shall direct the sheriff not to collect the road tax for such ensuing year in such townships as

Com'rs wages.

Township Treasurer's fees.

If money remains in the treasury sheriff not to collect.

## 20

there shall so appear to be sufficient funds in; and all preachers of the gospel, regularly licensed or ordained by

L. 2. In the enrolled act the third word is "their" instead of "his."—ED.

Preachers  
to be exempt  
from labor.

their respective orders to preach the gospel of Christ, and who are actually employed in preaching the same, shall be, and they are hereby exempt from contributing to the opening and repairing of public roads, so far as personal labour is required.

Treasurers  
and Com'rs  
to hold their  
offices one  
year, and to  
keep books  
of record.

§ 9. *And be it further enacted,* That the township treasurers, and township commissioners appointed by virtue of this act, shall continue in office during one year; they shall in a book cause minutes to be kept of their proceedings, and such books as may be necessary for keeping and settling the accounts of their respective townships.

Treasurer  
to be clerk  
to Com'rs.

§ 10. *And be it further enacted,* That the township treasurers shall act as clerks to the township commissioners, and keep the books and accounts of their respective townships, and shall at the expiration of their office deliver the same, together with such monies as may be remaining in their hands belonging to the township, to their successors in office, upon their making application for the same.

§ 11. *And be it further enacted,* That the supervisors of roads, appointed by virtue of this act, shall have all the power and authorities, to carry into effect the several laws relative to the opening and repairing of the public roads and highways, which

## 21

are now vested in the supervisors of roads appointed by the courts.

May pay the  
money in  
lieu of labor

§ 12. *And be it further enacted,* That any person who prefers it shall be permitted to pay money in lieu of personal labour on the roads, by paying to the supervisor, when he notifies them to work upon the roads, sixty-two and an half cents per day, for each day they shall be notified to work, and on payment being made, the supervisors shall give such persons a receipt for the same, particularly stating therein the amount, and the labour the money was received in lieu of.

§ 13. *And be it further enacted,* That the supervisors

of the roads, shall transmit to the clerks of the courts of their respective counties, a statement of all monies by them collected, in lieu of personal labour on the public roads, previous to their paying such monies to the township treasurer, which statements shall by the said clerks be laid before their respective courts at the term they settle with the township treasurers.

Supervisors to transmit a statement of monies to county cl'k.

§ 14. *And be it further enacted,* That the clerks shall exhibit on the court house door a list of the rate of taxation, imposed by virtue of this act, in the same manner that lists of rates are exhibited in case of county taxes; and if any clerk, township commissioner, supervisor of the road, or justice of the peace, shall neglect or refuse to perform any of the duties of them required, by virtue of this act, they shall be fined in any sum not exceeding two hundred, nor

Rate of taxation to be posted, &c.

Penalty for neglect or refusal.

22

less than twenty dollars, to be recoverable on motion of the prosecuting attorney, in the circuit court, for the use of the proper county.

§ 15. *And be it further enacted,* That all acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.

Repealing section.

§ 16. *Be it further enacted,* That whenever the county court of any county in this Territory, shall judge it necessary, on account of the uncertainty of the location of any public road, or from the increasing value of the lands, adjoining any public road or highway, a greater degree of precision and accuracy in metes and bounds is requisite, such court may, and is hereby authorized to appoint two commissioners, who together with some skilful surveyor, approved of by the court, shall proceed to survey any such road or part or parts of any road or roads as the court may direct, upon the ground heretofore established as a public highway, agreeable to the record thereof, and

Roads to be surveyed.

P. 22, l. 1. In the enrolled act the word between "be" and "on" is "recovered" instead of "recoverable."—ED.

such information as they can obtain on the subject.

Clerk of the  
court to no-  
tify.

§ 17. *Be it further enacted*, That it shall be the duty of the clerks of the several courts, within ten days after such appointment shall be made by their respective courts, to deliver a certificate thereof to the sheriff of the county, who shall within five days after the receipt thereof, deliver the same to the persons so appointed, and in case of failure to deliver such certificate

## 23

as aforesaid by the clerk or sheriff as herein required, such clerk or sheriff so failing, shall be fined in the sum of ten dollars, recoverable before any justice of the peace, for the use of the county.

Proceedings  
to be certi-  
fied.

§ 18. *Be it further enacted*, That the commissioners and surveyor so appointed shall proceed to survey such road or parts of any road or roads, and certify under their hands and seals, the course and distance of such road or roads, or part or parts of any road or roads by them surveyed, to the court aforesaid, for which services they shall be allowed such compensation as the court may think proper.

Roads to be  
recorded.

§ 19. *Be it further enacted*, That the clerks of the county courts of the several counties, shall keep a book exclusively for the record of roads and highways, and such objects as are connected therewith, and shall therein record such orders as the court shall direct to be made.

To print 5  
hundred ex-  
tra copies.

§ 20. *Be it further enacted*, That the printer be authorized to print five hundred additional copies of this act, for the use of the road commissioners and supervisors, at the same price the other printing of the laws is done, to be paid in the same way, and delivered at the same time, and in the same proportion of the other laws of the present session.

When to be  
in force.

This act to take effect from and after the first day of January next.

## CHAPTER VI.

## AN ACT to amend the act entitled "An act establishing Circuit Courts."

APPROVED December 18, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That from the first day of March, eighteen hundred and sixteen, until the first day of March eighteen hundred and seventeen, the circuit judge of the second circuit shall be authorized, and it is hereby made his duty to attend and exercise the authority and perform the duties of circuit judge in the third circuit of this Territory.

Duty of the circ't judge 2d circuit.

§ 2. *Be it further enacted,* That all new counties laid out this session of the Legislature, shall be attached to the first circuit, until the first of March, eighteen hundred and seventeen.

New counties attached to first circuit.

§ 3. *Be it further enacted,* That the circuit judges of the first and second circuits shall each receive, in addition to their present salaries, a further compensation, at the rate of one hundred dollars per annum for the extra services required of them, by virtue of the provisions of this act, to commence from and after the first day of March next.

Extra compensation of judges.

§ 4. *And be it further enacted,* That the said circuit courts shall have full cognizance of all matters relating to the probate of wills, letters testamentary, and letters of administration, and of the disposition of minors' and decedents' estates, agreea-

To have cognizance of probate of wills, &c.

bly to the laws that now are, or that hereafter may be in force, and the clerks of the circuit courts, and the judges thereof, or any one of them, shall have full power and authority in and out of court, in all such cases to do and perform all or any of the duties enjoined by law on the



court, judge or clerk of the former court of common pleas and former circuit courts as fully and amply in law or equity as the said court, judges, or clerks of the said common pleas and former circuit courts, and present circuit courts in equity, might, or could have done.

Repealing section.

§ 5. *And be it further enacted*, That the 15th section of the act, entitled "An act regulating the practice in the circuit courts and court of appeals"—approved September 10th, 1814, be, and the same is hereby repealed.

When to be in force.

This act to take effect from and after its passage.

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CHAPTER VII.

AN ACT *to prevent Counterfeiting and Forgery.*

APPROVED December 26, 1815.

Counterfeiting and Forgery.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, if any person shall falsely make, forge, counterfeit, deface or corrupt, or cause or

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26

procure to be made, forged, counterfeited, defaced or corrupted, or willingly assist in making, forging, counterfeiting, defacing or corrupting any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, bank note, post note, or receipt, or acquittance, either for money or property, any auditor's warrant, certificate, or other public security, whereby money may be drawn from the treasury of this Territory, or of any county therein, with intention to defraud any person, persons or company, he, she or they so offending, shall be deemed guilty of forgery, and on conviction by indictment or presentment, shall be fined in threefold the amount or sum, he, she or

Penalty.

they have thereby defrauded, or attempted to have defrauded, one half to the use of the party injured, or attempted to be injured, and the other half to the use of the county, wherein such indictment or presentment shall be found.

§ 2. *Be it further enacted*, That whenever any justice of the peace shall receive satisfactory information, on oath or affirmation, that there is reason to suspect any person or persons, is or are engaged in forging or counterfeiting the notes or bills of any of the banks, whose notes are in current circulation, and that the materials necessary and usually used for such purpose, may probably be found in the possession of any person named, at any par-

Justice to  
issue a war-  
rant on in-  
formation.

27

ticular house or place, it shall be lawful for such justice to issue his warrant to apprehend such person or persons, so informed on, and to cause him, her or them to be brought before him, and also to issue his search warrant to a proper officer, to search such place so pointed out by the informer, for implements of forging and counterfeiting, and to have them brought before him; and if upon such examination, the justice shall be persuaded of the probable guilt of the parties, it shall be the duty of such justice to recognise such person so concerned, or supposed to be concerned in forging or counterfeiting, to the next circuit court of the county, and to retain in his hands, such implements of counterfeiting, to be produced as testimony of the guilt of such person or persons informed on.

May issue  
search war-  
rant

§ 3. *Be it further enacted*, That all laws and parts of laws, coming within the purview of this law, be, and the same are hereby repealed.

Repealing  
section

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## CHAPTER VIII.

AN ACT *regulating Elections.*

APPROVED December 26, 1815.

§ 1. *Be it enacted by the Legislative Council, and House of Representatives, and it is hereby enacted by the authority of the same,* That an act, entitled "An act regulating the general elections of the Indiana Territory"—approved the 17th of December,

28

1811, shall be in full force, from and after the passage hereof, except so much of the fourth section as requires the clerks to make out written forms of the several oaths or affirmations, and so much of the ninth section as requires tickets to be folded and given in secretly.

Mode of electing in case of vacancy.

§ 2. *Be it further enacted,* That if any vacancy should happen in the council, by death, resignation or removal, the sheriffs of the several counties, shall meet at the county seat of the first county named in the governor's writ of election, to fill such vacancy, on the second Monday after the election, with a certificate of the votes each candidate had in the several counties; signed by all the judges of the several elections, who meet at the court house to compare the votes of their said counties, and when so met, shall compare the returns of the several counties, and shall make out, for the person elected, a certificate of his election, signed by all the sheriffs present, which shall be given to the sheriff of the county wherein the member elected lives, and be by him transmitted to the person elected without delay.

Repealing section.

§ 3. *Be it further enacted,* That all other laws and parts of laws regulating elections in the Indiana Territory, be, and the same are hereby repealed.

When to be in force.

This act to take effect, from and after the passage thereof.

## CHAPTER IX.

AN ACT for the Regulation of the town of Lexington.

APPROVED December 26, 1815.

§ 1. *Be it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same, That James Ward, Samuel Patterson, Daniel Searles, Jacob Rhoads and William Pringle, be, and the same are hereby appointed Trustees of the town of Lexington, who shall hold their offices until the first Monday of January, 1817, at which time it shall and may be lawful, and on the first Monday of January annually thereafter, for the free male citizens, residents of the town of Lexington, above the age of twenty-one years, (free negroes, mulattoes and Indians excepted) who have resided in said town for the space of six months, and all other persons owning free hold estate in said town, and are residents, to elect and choose five Trustees, who shall be freeholders, resident in said town; which election shall be conducted by one of the late or then acting Trustees, to be appointed by the board of Trustees for that purpose; ten days' previous notice thereof shall be given, by advertising the same in three at least of the most public places in said town; which advertising shall be done by the chairman of the late or then acting Trustees; and the return of the persons so elected, shall be*

Trustees.

How chosen.

made to the clerk of said board, which shall be recorded in their books.

§ 2. That vacancies occasioned by death, resignation, or otherwise, shall be supplied by elections, to be made in manner herein before directed, on a day to be appointed

Vacancies,  
how supplied.

§ 1, l. 4. In the enrolled act the second name is "Paterson" instead of "Patterson."—Ed.

by the remaining Trustees, and return thereof made in manner herein before directed.

May levy taxes.

§ 3. The Trustees shall have power to impose taxes on the citizens of said town, who shall be entitled to vote for Trustees, and that the said taxes shall be apportioned agreeably to the property held by each citizen within said town; any citizen of said town who has no visible property in said town, shall be taxed in any sum not exceeding fifty cents; and all lots and other property in said town held by non residents, or others residing out of the said town, shall be taxed agreeably to the value of said property, in proportion as the citizens of said town are taxed.

Shall appoint a list-er.

§ 4. That the Trustees of said town shall have power to appoint a person to take a list of the persons and taxable property in said town, and that the person so appointed, shall at such time as the Trustees may direct, proceed to take in and list in a book, the list of the persons taxable, and the taxable property, and return the same to the chairman of the Trustees; the several lists of taxable property shall be given in by each citizen upon oath; which oath the person so appointed, to take in the

## 31

same, shall have power and authority to administer.

To repair streets and alleys.

§ 5. *And be it further enacted,* That the said Trustees shall have power and authority to regulate and repair the streets and alleys of said town, to remove nuisances and obstructions therein; and also to remove obstructions and nuisances therein, at the expense of the person or persons who occasioned them, provided the person or persons will not remove them, on receiving notice from the Trustees aforesaid: and when such person or persons fail, after having notice given them to remove such nuisances or obstructions, the Trustees shall on failure thereof immediately have it done, and when done, the Trustees of said town may proceed by warrant, before some justice



of the peace of the town or county, for the recovery of such sum or sums of money as may accrue in the removal of such nuisances or obstructions in said town.

§ 6. *And be it further enacted*, That the Trustees of said town shall have power and authority to make provision for collecting and accounting for the taxes they are empowered by this act to levy, by appointing a collector and directing distress for delinquencies, and to make such rules and regulations not contrary to the laws and ordinance for the government of the Territory, and constitution of the United States, as shall by a majority of them be thought necessary for the police of said

To appoint  
a collector.

## 32

town, and affix a penalty for the breach of any by-law, committed by any person or persons, not exceeding ten dollars, to be recovered at the suit of the Trustees, before any justice of the peace in said town or county, by action of debt, in the same manner that sums of like amount are now recoverable, together with costs of suit: *Provided always*, That before any by-law, enacted by the Trustees of said town shall have any operation, it shall be advertised for two weeks successively in the most public places in said town.

Proviso.

§ 7. *And be it further enacted*, That immediately after the close of every annual election of Trustees, directed by this act, the powers of their predecessors shall cease, and the Trustees so elected shall be put in possession of the money, papers and records which the Trustees whom they succeeded had possession of.

§ 8. *And be it further enacted*, That the collector to be appointed by the Trustees as aforesaid, do enter into bond with such security as may be approved by said Trustees, with a penalty in double the sum to be collected by him, payable to the said Trustees, and their successors in office; and with a condition for the faithful execution of his office, and that the collectors shall have such powers to collect as may be given by the Trustees, and have an

Collector to  
give bond  
with security.

allowance for collecting, six per cent. and provided said collector does not make his collections, or pay over the same when col-

## 33

lected, agreeably to the provisions of this act, on ten days' previous notice being given, a judgment may be recovered against said collector, by the Trustees, in any circuit court of the county of Jefferson, for the full amount put into his hands to collect, and award execution thereupon.

§ 9. *And be it further enacted*, That the Trustees of said town, shall have full power and authority to enact by-laws to prevent shooting at a mark or for sport, running or racing horses within such parts of the streets, alleys, inlots, or within any part of the public square in said town, as the Trustees may designate.

§ 10. *Be it further enacted*, That in all cases where a judgment shall be recovered by the provisions of this act, against a collector in the circuit court of Jefferson county, judgment shall be given for costs, with an attorney's docket fee, should one be employed by the Trustees, together with eight per cent. in damages.

§ 11. *Be it further enacted*, That the said Trustees and their successors, or a majority of them, shall have power to erect a market house in said town on the public square, so soon as the population of said town shall be able to bear the expense, or the three-fourths of the citizens of said town, entitled to vote for Trustees, shall signify it fairly by petition to the then acting Trustees.

§ 12. *Be it further enacted*, That all taxes and monies collected under the by-laws,

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## 34

and the authority of this act, shall be applied towards the opening, repairing and improving the streets and

Trustees  
may make  
by-laws.

Costs to be  
recovered  
with dama-  
ges, &c.

May erect  
a market  
house.

Taxes, how  
to be appli-  
ed.

alleys in said town, and the building of a market house in the time and manner directed by this act, in the town aforesaid: *Provided nevertheless*, That whenever it may be found convenient, that the citizens or part of them may work out their tax so occasioned, by improving, repairing, or cleaning out the streets or alleys, as may be directed by the Trustees of said town: *Provided also*, That such compensation as the said Trustees may allow their clerk and the person appointed to take in the list of taxable property, shall be deducted out of the monies collected under the authority of this act.

Proviso.  
Proviso.

This act to take effect from and after the first day of January next.

When to be in force.

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CHAPTER X.

AN ACT to amend the several acts, providing for the assessment and appropriation of fines.

APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, all fines imposed and collected by virtue of the penal laws of this Territory, either by the courts, judges, or justices of the peace, shall be paid into the treasury of the counties,

Fines, how appropriated.

for the use of the proper county where such fines shall be assessed and collected, under such fines and penalties as are prescribed by the several acts to which this is an amendment: And it shall be the duty of every judge and justice of the peace who shall hereafter collect any fine or fines, as aforesaid, to deliver to the persons of whom such fines are collected, a receipt for the the same, together with a certified statement of the amount; which statement so delivered, shall by the person so fined be

Duty of the judges and justices.

transmitted to the clerks of their respective counties within thirty days after they shall receive the same.

§ 2. *And be it further enacted*, That it shall be the duty of the said judges and justices collecting fines as aforesaid, to pay over all fines by them collected as aforesaid, to the treasurers of their respective counties, on or before the first day of March annually, and transmit to the clerks of their respective counties a certified list of all the statements by them given to individuals, agreeably to the provisions of this act; particularly exhibiting therein the name of each person of whom fines have been by them collected, and the amount of each fine: And it shall be the duty of the clerks of the respective counties, annually to examine the records of their respective courts, and make out an amount therefrom of all the fines assessed by the courts, and lay the same before their respective courts, at the term which they settle with

To pay in  
on or before  
the first of  
March.

County  
clerks, their  
duty.

36

the sheriffs as county treasurers, for making out which accounts the said clerks shall be allowed three cents for each item therein.

§ 3. *And be it further enacted*, That if any judge, clerk, or justice of the peace, shall neglect or refuse to perform any of the duties of them required by virtue of this act, they shall be fined at the discretion of the court, in any sum not less than twenty, nor more than two hundred dollars, to be recovered by indictment for the use of the proper county.

Penalty for  
refusal or  
neglect.

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CHAPTER XI.

AN ACT *extending the jurisdiction of Justices of the Peace.*

APPROVED December 26, 1815.

§ 1. *Be it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it*



*is hereby enacted by the authority of the same,* That the Justices of the Peace of the several counties of this Territory shall have concurrent jurisdiction with the circuit courts in this Territory, of all causes of action arising from contract, either express or implied, in all cases where the sum demanded shall not exceed forty dollars, except in cases where the title of lands or tenements may come in question, or upon promises of marriage; in all actions or suits brought for the recovery of damages for any trespass, wrong or

To have jurisdiction with circuit courts.

Exception.

37

injury done or committed against the real or personal estate of another, where the damages claimed shall not exceed twenty dollars; in all cases of rent, where the demand shall not exceed thirty dollars; in all cases of trover and conversion to the amount of twenty dollars.

§ 2. *And be it further enacted,* That where any suit or action shall be instituted or brought before any justice of the peace of any county in this Territory, it shall be the duty of the justice of the peace, before whom such suit or action is brought, upon the request either of the plaintiff or defendant, to appoint three reputable citizens, as referees, to be chosen by the parties, or if the parties cannot agree in such choice, then to be nominated by the said justice; and after the said referees shall, by view or otherwise, have inquired into the truth of the case, and made report thereof in writing to the justice, judgment shall be rendered thereon, and execution issue as in other cases. *Provided however,* That if the defendant shall, before the appointment of referees, make oath or affirmation, that the title of lands will come in question, in any such suit or action, then and in such case, it shall be the duty of such justice of the peace to dismiss the suit, in order that such question may be tried according to the course of common law.

Parties may choose referees.

Proviso.

§ 3, *Be it further enacted,* That in all suits or actions before any justice of the peace in this Territory, when referees shall



Referees to  
be sworn or  
affirmed.

Their fees.

Justice to  
notify.

Penalty.

Justice to  
give copy of  
proceedings  
if required.

be chosen by the parties, or appointed by the justice, the referees thus chosen or appointed by the justice, shall be sworn or affirmed well and truly to try all matters in variance between the parties, submitted to them, or damages sustained by the plaintiff, as the case may be, and shall be allowed fifty cents each per day, by the justice, provided the same shall be claimed at the same time of such service by such referees, to be taxed in the bill of costs.

§ 4. *Be it further enacted*, That it shall be the duty of the justice to notify such referees, through the medium of a constable, or some fit person if necessary, of their appointment, and of the time and place fixed on for a hearing, and if any person so notified, shall neglect or refuse to attend and serve, he or they shall, for every such neglect or refusal, forfeit and pay each, the sum of two dollars, to the use of the county, unless prevented by sickness or other unavoidable misfortune, recoverable before any justice of the peace, provided an action be brought within ten days after such neglect or refusal.

§ 5. *Be it further enacted*, That it shall be the duty of every justice of the peace, upon demand made, either by plaintiff or defendant, to make out a copy of all the proceedings had before him in any suit, and deliver a certified copy thereof to the party applying for the same, and if upon such demand made, he shall neglect or refuse so

to do, it shall be deemed a misdemeanor in office.

Constable  
to testify.

§ 6. *Be it further enacted*, That whenever the defendant does not appear, upon summons, upon the day appointed, it shall be the duty of the justice to examine the constable on oath or affirmation, before he proceeds to judgment, of the legal service of the summons; and if he be satisfied that the defendant has been regularly notified, he may proceed to give judgment and award execution, as is already provided by law; but if he is not satis-

fied of the due service of the summons, he shall award new process, and appoint another day of trial.

§ 7. *Be it further enacted*, That in case of judgment by default, before any justice of the peace, the defendant shall be entitled to a rehearing of his cause, on proof being made before such justice within thirty days, either on oath or affirmation of such defendant, or other satisfactory evidence, that the defendant was absent when the process was served, and did not return home before the return day of such summons, or that he or she was prevented by sickness or other unavoidable accident from attending.

Justice may grant a rehearing.

§ 8. *Be it further enacted*, That whenever a justice of the peace has received satisfactory evidence, agreeable to the provisions of the foregoing section, of the inability of any defendant to attend to the defence of his suit, he shall open his former

40

judgment, appoint a time for a new hearing, notify the plaintiff thereof by a constable, subpœna the former and such other witnesses as either party may require, and proceed to trial, judgment and execution, as in other cases.

§ 9. *Be it further enacted*, That whenever any person shall hereafter be commissioned as a justice of the peace, and there should not be any constable appointed convenient to such justice, or whenever the county courts shall neglect to appoint a constable convenient to any justice, such justice may appoint a constable in his own neighborhood, for the serving of civil process, to act until the county court of such county shall appoint some other person in the same neighborhood, or reappoint the same; and it shall be the duty of such justice to take of such constable such bond as is required to be taken of constables by the existing laws.

Justice may appoint a constable.

§ 10. *Be it further enacted*, That for all services required of any justice of the peace by the laws of this Territory, for which no particular fees are allowed, for

Extra fees.

each process or instrument of writing not exceeding one hundred words they shall be entitled to receive twelve and one half cents, and the like sum for every hundred words thereafter.

§ 11. *Be it further enacted*, That in all suits or actions before any justice of the peace in this Territory, where the judgment of the justice has been rendered upon

## 41

Report of referees to be final.

Exception.

the report of referees, chosen by the parties themselves, or appointed by the justice by the consent of the parties, and conformable to the report of the referees, there shall be no appeal, but the judgment shall be final; provided such judgment, including interest and exclusive of costs, shall not exceed forty dollars in causes or actions arising from contract; twenty dollars in actions for damages for injury done to the real or personal estate of another; twenty dollars in actions of trover and conversion, and thirty dollars in actions for the payment of rent.

May confess judgment to the amount of 100 dollars.

§ 12. *Be it further enacted*, That when persons are willing to settle any dispute amicably between them, for a greater sum than is made cognizable by virtue of the provisions of this act, before a justice of the peace, it shall be lawful for the parties voluntarily to appear before any justice of the peace in this Territory, and confess judgment for any sum not exceeding one hundred dollars, and on such judgment there shall be a stay of execution for any length of time the parties may agree upon before the justice, and to be entered upon the docket of such justice, at the time of entering judgment, provided such stay of execution shall not exceed twelve months.

§ 13. *Be it further enacted*, That it shall be the duty of every justice of the peace, whenever any person or persons shall so apply by mutual consent, to confess judgment for any sum not exceeding one hun-

## 42

dred dollars, agreeable to the provisions of this act, to require an oath or affirmation of the party so applying to confess any judgment, which oath or affirmation shall be as follows, to wit:

Party confessing to testify.

I, A.B. do solemnly swear, (or affirm, as the case may be,) that I do not confess judgment in favor of (here name the person or persons in whose favor the judgment is confessed) to defraud any of my creditors, but that I am justly indebted to (here name the person or persons in whose favor the judgment is confessed) to the full amount I have confessed judgment for.

Form of oath or affirmation.

Which oath or affirmation shall be made known to such person or persons applying to confess judgment, by the justice, before he administers the same, and before he enters judgment.

§ 14. *Be it further enacted*, That it shall be the duty of the justice of the peace to deliver a transcript of such judgment so confessed on application to the plaintiff, together with the agreement as to stay of execution; and it shall be the duty of such plaintiff, within twenty days from the time of entering such judgment, to lodge the transcript thereof in the clerk's office, in the proper county where the judgment was confessed, to be recorded; and the clerk is hereby required to record such transcript, for which he shall be allowed the same fees as for similar services.

Justice to deliver a transcript of judgment.

§ 15. *Be it further enacted*, That the transcript of the judgment so lodged in

## 43

the clerk's office, shall have the same effect as any judgment in the circuit court in said county.

§ 16. *Be it further enacted*, That from and after the delivery of the transcript aforesaid by the magistrate to the plaintiff, such judgment on such justice's docket shall be void.

Plaintiff to  
testify on  
demanding  
capias.

§ 17. *Be it further enacted*, That no capias shall be issued by any justice of the peace in civil actions, unless the plaintiff shall make oath or affirmation before such justice, that he, she or they, as the case may be, is or are fearful of losing his, her or their demand, and that the defendant or defendants will remove himself, herself or themselves, as the case may be, without the jurisdiction of such justice before the final determination of the suit.

May issue  
warrant a-  
gainst free-  
holder.

§ 18. *Be it further enacted*, That whenever any person or persons wish to commence any suit before any justice of the peace, and is or are fearful of losing his, her or their debt, provided the plaintiff shall make oath before such justice, that he, she or they is or are afraid that the defendant or defendants will abscond, or make over and transfer his, her or their real estate, as the case may be, to the loss of the plaintiff or plaintiffs, before the final determination of the suit, it shall be lawful for the justice to issue his warrant or capias against any such defendant, whether a freeholder or not, and proceed as is pro-

## 44

vided in such case, where the defendant is not a freeholder.

Non resi-  
dent to give  
bond.

§ 19. *Be it further enacted*, That whenever any non resident wishes to commence a suit against any resident citizen or citizens of this Territory, provided such non resident shall give bond with approved security to the defendant resident citizen or citizens in double the amount of the sum claimed, conditioned, that he, she or they will prosecute such suit to final effect, and in case of being cast or judgment be rendered against him, her or them, that he, she or they will pay all costs of suit, and also such sums of money as shall be adjudged against him, her or them, such bond to be left with the justice; in such case it shall be the duty of the justice to issue process, and proceed as if such plaintiff was a resident citizen and not otherwise.



§ 20. *Be it further enacted*, That the following schedule and forms be published with the acts of this session of the Legislature for the use of justices of the peace.

Actions arising from contract, cognizable before a justice of the peace, wherein their jurisdiction is limited to forty dollars, include

DEBT,  
COVENANT,  
ASSUMPSIT.

<p>Debt, among others, embraces those cases where one sues On a former judgment, For a sum of money due on award,</p>	<p>What constitutes an action for debt.</p>
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## 45

On a bond, note or bill,  
On an agreement sealed or unsealed to pay a certain  
sum of money,  
On a lease for a certain sum.

The term Covenant includes those cases where one  
sues on a written contract under seal, Covenant.

To pay rent,  
For quiet enjoyment of premises,  
To save harmless, or keep indemnified,  
Not to assign premises leased,  
To keep in repair,  
To pay taxes,  
Not to plough meadows, orchards, &c.  
To do work, deliver a horse, &c.  
To pay so much corn, wheat, &c.  
To pay a certain sum in produce or trade.

The term Assumpsit embraces those cases among others  
where one sues, Assumpsit.

On a note of hand or agreement not sealed,  
On express contracts not under seal, for the breach of  
which damages have accrued to the plaintiff,  
To recover back money paid under mistake, or through  
the deceit of the other party,

- To recover back money paid without consideration, or for a consideration which happens to fail,
- To recover back money paid to one acting under, or in pursuance of a void authority,
- To recover back money obtained from any one by compulsion, extortion,

46

- imposition, oppression, or taking an undue advantage of the situation of the parties,
- To recover back money lent, paid, laid out, expended, to the use of the defendant, or at his request,
- To recover back money had and received by the defendant for the use of the plaintiff,
- For a sum certain: Also, for goods sold and delivered where there is no express agreement about the price, but where the plaintiff is to recover the value,
- For a sum certain or uncertain, for labor or work done,
- In cases of breach of official duty or trust, of nonfeasance or misfeasance, as if a sheriff or constable does not execute a writ given to him, or wilfully makes a wrong return thereon, or suffers his prisoner to escape; where an attorney betrays the cause of his client; where a person loses goods at an inn; where a common farrier does an injury to a horse in shoeing him; where an innkeeper refuses to admit a traveller,
- Where a person warrants a thing to be good which he sells, and it afterward proves to be bad at the time of sale, &c.

47

No. 1. SUMMONS.

Indiana Territory— }  
 Jefferson county, sct. }

The United States to *Peter Hemphill*, constable of said county, Greeting.

Summons.

You are hereby commanded to summon A.B. to appear

before me C.H. one of the justices of the peace for said county, on the 3d day of *June next or instant*, as the case may be, at 3 o'clock in the afternoon, to answer to C.D. in a plea arising from contract not exceeding forty dollars, and make return of this precept as the law directs. Given under my hand and seal this 4th day of June, 1815.

C.H. J.P. *seal.*

If the party plaintiff be an administrator and the defendants be executors, you will insert after the word summon "A.B. and C.D. executors of the last will and testament of E.H. deceased," and after the term to answer, "G.H. administrator of all and singular of the goods and chattels, rights and credits, which were of J.K. deceased."

No. 2. CAPIAS.

Indiana Territory—*Jefferson* county, sct.

The United States to *Peter Hemphill*, constable of said county, Greeting.

You are hereby commanded to take the body of A.B. in said county, and forthwith bring him before me, one of the justices of the peace of said county, at my office in the county aforesaid, to answer C.D. in a plea arising from contract not ex-

Capias.

48

ceeding forty dollars, notify the plaintiff of trial, and make return of this precept as the law directs. Given under my hand and seal this 4th June, 1815.

C.H. J.P. *seal.*

No. 3.

*Alias and pluries Capias and Summons*

Issues where the original returns not regularly served, and is the same as the original, only inserting after the words "we command you" the following words, "as you were before commanded;" but if the alias is directed to a constable who did not serve the original summons, you insert "as heretofore we have commanded." A pluries capias or summons is also similar to the origi-

Al. & plur.  
capias and  
summons.

nal *capias* or summons, only inserting after the words "we command you" these words, "as you were oftentimes before commanded."

No. 4. *Notice to Referees.*

A.B. }  
*vs.* } *On Reference.*  
 C.D. }

To E.F.—G.H.—I.K. Referees.

Notice to  
 referees.

You are hereby notified that you are appointed referees in the above action; you are therefore required to attend at *my office* on the *4th* day of *June next or instant*, at two o'clock in the afternoon, to hear the said parties, their proofs and allegations, and make report to me in writing, under the penalty of two dollars each. Witness my hand and seal the 3d day of June, 1815.

C.H. J.P. *seal.*

49

No. 5. *Appointment of Referees.*

Indiana Territory—Jefferson county, sct.

Appoint-  
 ment of ref-  
 erees.

*Peter Hemphill,* }  
*vs.* } *In a plea arising from contract not*  
*James Ware.* } *exceeding forty dollars.*

To A.B.—B.C. and C.D.

In the above action, you are appointed by the parties referees, and you being all sworn or affirmed, are well and truly to try all matters in variance between the parties submitted to you, and having heard the proofs and allegations, you or a majority of you are to make out an award under your hands, and transmit the same to me. Given under my hand and seal this third day of June, 1815.

C.H. J.P. *seal.*

No. 6. *Oath of Referees.*

Oath of ref-  
 erees.

You do swear (or solemnly affirm) that you will well and truly try all matters in variance, submitted to you, between *Peter Hemphill* plaintiff, and *John James* de-

fendant, according to the best of your judgment, and the evidence that shall be laid before you. So help you God.

No. 7. *Report of Referees.*

(This should be endorsed on, or attached to the appointment of Referees.)

Report of referees.

We, the referees within named, having heard the parties, their proofs and allegations, do report, that we find for the *plaintiff* the sum of *thirty* dollars, which sum is due and owing to the *plaintiff*, from the defendant, upon a promissory note, bond, damages *in shoeing a horse*, damages *for the*

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50

*sale of unsound corn, warranted to be good at the time of sale*, with costs of suit. Witness our hands the 3d day of June, 1815.

No. 8.

*Information against Referees for refusing to serve.*

Indiana Territory—Jefferson county, sct.

A.B. of said county informs and complains, that E.F. of said county, having been duly chosen and appointed a referee, in a suit before C.H. a justice of the peace, in and for said county, wherein A.B. is plaintiff, and C.D. is defendant, and being duly notified of the time and place of meeting, did neglect or refuse to serve as a referee in said action, contrary to the act of the Territory in such case made and provided, and therefore the said A.B. prayeth that he the said E.F. may forfeit the penalty as is provided by law.

Information against referees.

A. B.

*Complainant.*

Taken and subscribed before me,

C.H. J.P. *seal.*

No. 9. *Summons for Referees.*

Indiana Territory—Jefferson county, sct.

The United States to *Peter Hemphill*, constable of said county, Greeting.



Summons  
for referees.

Whereas information and complaint hath been made before me, by A.B. of said county, that E.F. of said county did neglect or refuse to serve as a referee in a suit before C.H. a justice of the peace for said county, wherein A.B. was plaintiff, and C.D. defendant, after being duly appointed and required to serve, contrary to

51

the laws of this Territory: These are therefore to require you to summon the said E.F. to appear before me, one of the justices of the peace for said county, at my office in said county, the third day of this or *next* month, to answer unto the said complainant, and make due service and return of this precept. Given under my hand and seal this 3d day of June, 1815.

C.H. J.P. seal.

No. 10. *Conviction of Referees.*

Indiana Territory—Jefferson county, sct.

Conviction  
of referees.

Be it remembered that E.F. of said county, is this 3d day of June, 1815, convicted before me C. H. a justice of the peace for said county, upon complaint and information of A.B. of said county, of having *neglected or refused* to serve as referee in an action before *me* the 3d day of June, 1815; he being thereunto legally required: It is therefore considered that the said E.F. hath forfeited the sum of two dollars for the use of the county.

C.H. J.P. seal.

No. 11. *Warrant to levy the Fine.*

Indiana Territory—Jefferson county, sct.

The United States to *Peter Hemphill*, constable of said county, Greeting.

Warrant  
to levy the  
fine.

Whereas E.F. of said county hath been duly convicted before me, one of the justices of the peace of said county, of having refused to serve as a referee in a certain action before me, wherein A.B. is plaintiff, and C.D. defendant, he, the said E.F. having been duly notified of his appoint-

L. 2. In the enrolled act the third word, "by," is omitted.—Ed.

ment, and of the time and place of meeting, whereby he hath forfeited the sum of two dollars, which he hath refused to pay: These are therefore to command you, that you levy the said forfeiture by distress and sale of the goods and chattels of the said E.F. and pay the same over to the county treasurer, for the use of the county. Hereof fail not. Given under my hand and seal, this 3d June, 1815.

C.H. J.P. *seal.*

Actions cognizable before a justice of the peace under the term, trespass, wrong or injury done or committed against the real or personal estate of another, where the jurisdiction is limited to twenty dollars, may be comprised under the following heads:

Actions  
cognizable  
under term  
trespass, &c.

*Of injury done to the goods of another.*

1. For wrongfully taking another's horse, sheep, hog, &c. &c. fowls, furniture, boat, wood, gun, &c. &c.
2. For spoiling or destroying his hay, corn, wood, &c.
3. For beating, wounding, killing a man's horse, hog, &c.

*Of injury done to the lands of another.*

1. For entering a man's house, lands, &c. without leave, unless in case of a tavern keeper, whether owner or tenant.
2. For breaking another's fences, hedges, enclosures, &c.
3. For cutting his trees, treading down his corn, oats, grass, wheat, &c.

### No. 12. SUMMONS.

Indiana Territory—Jefferson county, sct.

The United States to *Peter Hemphill*, constable of said county, Greeting.

You are hereby commanded to summon A.B. of said county, to appear before me, one of the justices of the peae for said county, the 3d day of *June*, 1815, at my office, at 4 o'clock in the afternoon, to answer C.D. in a

Summons.

plea of trespass, for damages done, or committed by the said A.B. against the *real estate*, or *personal estate* of the said C.D. not exceeding twenty dollars. Given under my hand and seal this 3d June, 1815.

C.H. J.P. *seal*.

If the summons is in trover, say, (to answer A.B. in a plea of trover and conversion not exceeding twenty dollars.)

Oath where damages are claimed.

Oath of referees where damages are claimed, same as in case of contract, except say (that you will well and truly assess the damages if any, which A.B. has sustained against C.D.) &c. &c.

#### No. 13.

Superse-  
deas.

When execution has issued against a person not a freeholder, for want of bail for the stay of execution, if the defendant, after execution is out, offers sufficient bail, the justice may receive the same, and grant a superseas against the execution.

#### SUPERSEDEAS.

Indiana Territory—Jefferson county, sct.

The United States to *Peter Hemphill*, constable of said county, Greeting.

Whereas we lately commanded you, by

#### 54

our execution, that you levy a certain debt or demand of *twenty dollars*, and *the interest thereon*, on the goods and chattels of E.F. for which A.B. before C.D. esquire, a justice of the peace for said county, obtained judgment, together with *two* dollars costs of suit, and that for want of sufficient distress, you should take the body of the said E.F. into custody, and him convey to the jail of said county, there to be kept by the keeper thereof, until discharged by due course of law; and whereas the said E.F. has bound himself with sufficient surety before our said

L. 3. In the enrolled act the initials are "A.B." instead of "C.D."—Ed.

justice, as the law directs in case of bail for stay of execution; therefore we command you, that if you have levied the goods and chattels of the said E.F. by virtue thereof, that you cause them to be restored to him without delay, and herein fail not. Given under my hand and seal, this 3d day of June, 1815.

C.H. J.P. seal.

No. 14. *Dedimus to take Depositions.*

Indiana Territory—Jefferson county, sct.

The United States to *Peter Hemphill*, justice, Greeting.

John James, } Demands arising from contract, not ex-  
 vs. } ceeding forty dollars, before C.H. a justice  
 James John. } of the peace for said county.

Dedimus to  
 take deposi-  
 tions.

John James, plaintiff in the above cause having made oath that *John Roberts*, who resides out of the county of Jefferson, to wit, in the county of *Switzerland*, is a material witness for him, whose testimony

55

he wants in the above suit, ruled that I.K. of the county of *Switzerland*, a justice of the peace for said county, do call before him at a certain day and place by him for that purpose to be appointed, the said *John Roberts*, as a witness in the above cause, as well on the part and behalf of the defendant, as on the part and behalf of the plaintiff, and after having examined the said *John Roberts* on oath or affirmation, touching the matters in controversy, and reduced his testimony to writing, he do send the same to me under his hand and seal, together with the interrogatories, and this rule. Given under my hand and seal, this 3d day of June, 1815.

C.H. J.P. seal.

Interrogatories to be administered to *John Roberts*, a witness to be produced, sworn and examined on behalf of *John James*, plaintiff in a certain action, now depending before C.H. one of the justices of the peace for said county of Jefferson, against *James John*, defendant, pur-

Interroga-  
 tories to be  
 administer-  
 ed to wit-  
 nesses.

suant to a rule of the said justice made the 3d day of June, 1815.

First. Do you know the parties or either of them?

Second.

Third.

Interrogatories to be administered to *John Roberts* on behalf of *James John*, defendant in the above cause.

First.

Second.

## 56

Repealing  
section.

§ 21. *Be it further enacted*, That all laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

May appeal  
to the cir-  
cuit court.

§ 22. *Be it further enacted*, That all suitors, on judgment given for or against them or either of them, by any justice of the peace, shall be entitled to an appeal to the circuit courts, agreeably to the existing laws of this Territory, except as is excepted in the eleventh section of this act. *Provided also*, That the time of appealing shall be extended to thirty days, any law to the contrary notwithstanding.

Proviso.

Entitled to  
a jury of 12  
men.

§ 23. *Be it further enacted*, That the party or parties to any suit or suits, before justices of the peace, shall be entitled to a trial by jury of twelve men, upon the same principles, and under the same restrictions and rules as are now provided by the existing laws of this Territory, relative to trial by jury of six men, before justices of the peace, to be summoned in the same manner, in all sums above twenty dollars.

Constable  
to attend on  
day of trial

§ 24. *And be it further enacted*, That it shall be the duty of each constable to attend before the justice of the peace, at the return day of the process to him directed, by such justice, and keep order and decorum, and execute all legal commands of such justice of the peace, under the penalty not exceeding five dollars, to be assessed by such justice against the constable: *Provided*, That no fine shall be assessed as aforesaid, if the

Proviso.



constable produces satisfactory evidence, either by others' or his own affidavit, that he was prevented by sickness or other unavoidable circumstances.

This act to take effect from and after the first day of May next.

When to be in force.

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CHAPTER XII.

AN ACT for the formation of a new County out of the Counties of Washington, Gibson and Knox.

APPROVED December 26, 1815.

§ 1. BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That from and after the first day of February next, all that part of the counties of Washington, Gibson and Knox, which is included within the following boundaries, shall form and constitute a new county, which shall be known and designated, by the name and style of the County of Orange; that is to say, Beginning on the Indian boundary line, where the range line dividing ranges two and three west of the second principal meridian intersects said boundary line; thence south with said range line until it intersects the line dividing the counties of Perry and Gibson; thence east with said line until it intersects the western boundary line of Harrison county; thence north with said line to the south-west corner of Washington county,

New county taken out of Washington Gibson and Knox Named Orange Boundaries.

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and north-west corner of Harrison county; thence east with the line dividing Harrison and Washington counties, until it intersects the line dividing sections sixteen and seventeen in range two east, town one south; thence north with said line dividing sections sixteen and seventeen

to the Indian boundary line; thence westwardly with the said Indian boundary line to the place of beginning.

§ 2. *Be it further enacted*, That the said county hereby formed and established, shall enjoy and exercise all the rights, privileges and jurisdictions which to separate counties of this Territory do or may properly appertain or belong: *Provided always*, That all suits, pleas, complaints, actions and proceedings, which may before the first day of February next have been commenced, instituted or depending within the present counties of Washington, Gibson and Knox, shall be prosecuted to final judgment and execution, in the same manner as if this act had never been passed, and that the Territorial and county taxes, which are now due within the boundaries of the new county hereby established, shall be collected in the same manner, and by the same officers as they would have been if this act had not passed.

§ 3. *Be it further enacted*, That until a court house shall be erected for the accommodation of the court, the courts for the said county of Orange, shall be held at the

## 59

house of William Lindly, junior, in said Orange county.

§ 4. *Be it further enacted*, That Peter M'Intosh, Ignatius Able, Hiram Boon, Marston G. Clark and Samuel Jack, all of the counties of Washington and Harrison, be, and they are hereby appointed commissioners, to fix the seat of justice in said Orange county, who shall meet at the said William Lindly junior's, on the second Monday of February next, and proceed to fix the seat of justice for the said Orange county, agreeably to the provisions of an act for the fixing the seats of justice in all new counties hereafter to be laid off.

§ 5. *Be it further enacted*, That the said courts authorized to transact county business in the aforesaid new county, shall as soon as convenient after the seat of justice is fixed, cause the public buildings of said new county to be erected thereon, and shall adjourn the court thereto, so soon as the court house is in the estimation of the

To enjoy equal privileges with other counties.

Proviso.

Where to hold courts.

Com'rs to fix seat of justice.

Courts to erect public buildings.

court sufficiently completed for the accommodation of the court.

§ 6. *Be it further enacted*, That the said Orange county is hereby declared to be and remain a part of the district for the election of counsellors composed of the counties of Washington and Knox, and in case of a vacancy for a counsellor, the associate judges of said county of Orange, shall have power to carry into effect the law regulating elections. What district belonging to.

## 60

## CHAPTER XIII.

AN ACT *legalizing the proceedings of the Washington Circuit Court for the County of Washington.*

APPROVED December 26, 1815.

Whereas it is sufficiently represented to this assembly, Preamble.  
That great confusion is likely to arise in the county of Washington in consequence of the appointment of Joseph Kitchel, an associate judge of the circuit court of said county, to supersede Simeon Lamb, under a belief that the said Lamb had removed from the Territory: For the remedy whereof,

§ 1. *Be it enacted by the Legislative Council and House of Representatives*, That no judgment given, proceedings had, in any cause in the said county of Washington, wherein the said Joseph Kitchel sat as judge, shall be reversed, annulled or set aside, otherwise than in error appearing in the said judgment or proceedings, other than that of the said Kitchel having sat as judge; but the same shall be taken and deemed as available in law, as if the said Simeon Lamb had removed from the Territory aforesaid.

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## CHAPTER XIV.

AN ACT *fixing the times of holding Courts in the Counties hereinafter mentioned.*

APPROVED December 26, 1815.

§ 1. *Be it enacted by the Legislative Council, and House of Representatives, and it is*

61

Courts,  
when held  
in Orange  
county.

*hereby enacted by the authority of the same,* That the circuit courts for the transacting of civil and criminal business shall be held in the county of Orange, on the second Mondays of April, July and November, which court shall continue three days if necessary.

When in  
Jackson co.

In the county of Jackson, on the first Fridays after the second Mondays in April, July and November, which court shall continue two days if necessary.

Knox and  
Clark coun-  
ties.

§ 2. *Be it further enacted,* That for and during one year after the passage of this act, there shall be added to the terms of holding courts in the counties of Knox and Clark, one week at each term. In the county of Clark the terms of said court to continue one week longer than what is now fixed by law. In the county of Knox the terms of said court to commence on the Monday preceding the times now fixed by law, except the next March term, which term shall remain as now fixed.

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CHAPTER XV.

AN ACT *concerning Clerks.*

APPROVED December 26, 1815.

Preamble

Whereas by an act of the Legislature of Indiana Territory, passed on the 17th day September, in the year of our Lord, 1807, directing the manner of proceeding in cases of impeachment, and by virtue of the provisions of the before recited act, all civil

62

officers, holding any commission under the authority of this Territory, shall be impeachable by the House of Rep-

representatives, either for mal administration or corruption in his office, and that the Legislative Council should have the sole power to try all impeachments, when sitting for that purpose; and that judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold any office, &c. And whereas in various instances, trials of impeachments create enormous expenses to the Territory, while it is absolutely necessary to have a check upon civil officers, and prevent them from abuse in their offices: For the remedy whereof,

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That any clerk of the present established circuit courts within this Territory, who has been guilty of mal administration, or corruption in his office (and has not been removed from office by virtue of the above recited act,) or who shall hereafter be guilty of mal administration, or corruption in his office, shall, upon an indictment (being preferred against such clerk for offending as herein set forth) by the grand jury of the proper county, and being convicted on such indictment before the circuit court of the proper county, such conviction shall operate as a removal from office, and disqualification to hold any office, in the same

Clerk of the court to be indicted before circuit court.

## 63

manner as if such clerk had been impeached and convicted under the provisions of the act before recited.

§ 2. *And be it further enacted,* That upon the production of the transcript of the record from the circuit court of such conviction as mentioned in the first section of this act to the governor of this Territory, it shall be his duty to appoint another clerk.

Governor to reappoint on conviction of the clerk.

§ 3. *And be it further enacted,* That hereafter it shall be the duty of the several clerks of the circuit courts in this Territory, prior to sending out their fee bills for collection, except when fee bills are sent out with execution, to submit the same to the circuit courts of the proper

Clerks to submit fee bills to the court.



county, whose duty it shall be to correct the same, if necessary, and note said fee bills or records, which fee bills thus corrected, shall then be deemed valid in law; and any clerk failing herein, shall forfeit his office, upon conviction, as prescribed in the first section of this act.

§ 4. *And be it further enacted,* That justices of the peace shall be tried for mal administration in office, or for any misdemeanor or high crime, and removal from office in the same manner as is above directed for the trial and removal of clerks.

This act to take effect from and after the first day of March next.

Justices of the peace tried in the same manner as cl'ks.

When to be in force.

CHAPTER XVI.

AN ACT for the relief of Collectors of Taxes in the Counties of Franklin and Clark in this Territory.

APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same,* That it shall be lawful for the collectors of taxes, in the several counties of this Territory, to demand the same from individuals and compel the payment thereof, although said collectors may not have demanded the same, previous to the first day of October in each and every year.

Collectors may compel payment of taxes.

§ 2. *And be it further enacted,* That a further time of two months be allowed to the sheriffs or collectors of Franklin and Clark counties as aforesaid, to pay any county order the present year in pursuance of the order of the court, agreeable to the provisions of the twenty-third section of the act, entitled "An act to reduce into one the several acts establishing a permanent revenue."

Time of payment extended two months.

## CHAPTER XVII.

AN ACT *supplementary to an act to establish Ferries, and an act supplementary thereunto.*

APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,*

## 65

That the county courts of the several counties within this Territory are hereby authorized to establish Ferries over the river Ohio, or any of the rivers or creeks bordering or adjoining this Territory, within the jurisdiction of their respective counties, under the same rules, restrictions and regulations as are now provided by law, for the establishing of Ferries over any river or creek within this Territory.

Courts to  
establish  
ferries.

§ 2, *Be it further enacted,* That all Ferries heretofore established by the courts of common pleas, former circuit courts, or present county courts of any of the counties in this Territory, or by the former or present governor of the Territory, over the river Ohio, or any of the rivers or creeks bordering or adjoining this Territory, shall be deemed lawfully established to all intents and purposes, provided that the owner or owners of any such ferry, shall within six months from and after the passage of this act, execute a bond (as is provided in the second section of the act entitled "An act to establish and regulate ferries") in the county where any such ferry shall have been established: *Provided also,* That the county courts as mentioned in the second section of this act, shall have power to vacate any such ferry where the owner or owners of any such ferry are not the proprietor or proprietors of the land or landing where any such ferry has been established.

Licenses al-  
ready gran-  
ted to con-  
tinue good.

Proviso.

License to be void on sale or disposal of the ferry.

§ 3. *Be it further enacted,* That whenever any person owning a ferry established by law, on any river or creek within or bordering on this Territory, shall sell, transfer and assign the same, his license shall cease and be void from the time of making such sale, transfer or assignment, provided that the court or authority granting ferries, shall grant to such purchaser or assignee, a license in his own name, by his entering into bond with sufficient security, to discharge the duties of ferry keeper; and on such licence being granted, the former owner or assignor shall be barred from any damages arising from the misconduct or neglect of such purchaser or assignee.

To land persons & property from boats, &c.

§ 4. *Be it further enacted,* That it shall be the duty of the owner or superintendant of every ferry, when he shall be called upon to land any person or property from any boat passing down the river Ohio, to do the same at the same rate of ferriage he is authorized to charge for ferrying such person or property across the river aforesaid.

This act to be in force from and after its passage.

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CHAPTER XVIII.

AN ACT concerning *Insane Persons.*

APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,*

That any bargain, sale, conveyance or act of any person or persons, in a state of insanity, shall be void, or of no effect in law.

§ 2. *Be it further enacted,* That whenever any county court in this Territory, shall receive satisfactory infor-

mation, that any person in their respective counties, having property, and is or has become insane, it shall be the duty of the said court, to direct the sheriff of the county to summon twelve of the most intelligent men in the county, one of whom at least shall be a physician, being householders, impartially to inquire into the fact, and to appoint the time and place where such jury shall meet, and inspect such insane person, and also to cause to appear before them, such persons as they may think proper, to give testimony, as to the insanity of such person, and if the jury so summoned and sworn, shall decide from such inspection and testimony, that such person is insane, and not able to take care of his or her property, the court shall proceed to appoint three suitable persons, guardians of the person and estate of such insane person, whose duty it shall be to take such care of the person and property of such insane person, as may be necessary for the safety and preservation of the same.

Court to order sheriff to summon a jury of 12 men.

On verdict of insanity to appoint 3 guardians.

§ 3. *Be it further enacted*, That whenever it may be thought necessary, the circuit court of the county, wherein such inquests of insanity was held, upon proper representation, may direct and order the

## 68

sale of the real and personal estate of such insane person, for the support of such insane person, his or her family, the payment of his or her debts, or for the improvement thereof, and generally to act and do what to them shall seem proper, for the benefit of the person or property of such insane person, consistent with law.

Court may order sale of property.

§ 4. *And be it further enacted*, That so soon as it is determined by inquest, as mentioned in the second section of this act, that such person is insane, it is hereby declared, that all judgments, executions and suits pending against such insane person shall be suspended, until the appointment of a guardian or guardians, and then the same proceedings shall be had against such guardian or guardians, whose appointment shall continue during the

Suits, &c. in law to be suspended.

Proceed vs. guardians.

insanity of such insane person, to be determined by the court, for the recovery of the debts of such insane person, under the same rules, restrictions and regulations, as are prescribed by the existing laws of this Territory, against administrators and executors.

§ 5. *And be it further enacted*, That all other persons insane, who have not property for their support, shall be entitled to all the benefits of the laws of this Territory, for the relief of paupers; and the overseers of the poor, and all other persons concerned, are directed to govern themselves accordingly.

This act to take effect from and after its passage.

If no property, dealt with as paupers.

When to be in force.

## 69

## CHAPTER XIX.

AN ACT to amend the act entitled "An act regulating Grist Mills and Millers."

APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, where any person or persons may wish to build or erect any mill or other dam, or who may have built any mill or other dam over any creek, run or spring, who shall own the soil on both sides of the stream by virtue of a certificate from the United States, title, bond, deed, or other inchoate right or title, he, she or they, on application made to the circuit court of the county, shall be entitled to the benefit of a writ of *ad quod dam num*, in the same manner as is provided in the act to which this is an amendment, as if such person applying therefor had the right of soil in fee simple; and no notice to the person likely to be affected shall be necessary, previous to the application and obtaining the writ aforesaid, provided such notice be given ten days previous to the inquisition of the sheriff.

Entitled to writ of *ad quod dam num*.

§ 2. That it shall be the duty of the circuit court to



give in charge to grand juries in the several counties, so much of the law to which this is an amendment, as makes it penal to ask or receive more toll than is allowed by the provisions of said act.

Penal to ask or receive more than legal toll.

§ 3. *And be it further enacted*, That each and every person in this Territory who

70

shall be the owner of a grist or saw mill in said Territory, and who has a dam across any water, it shall be lawful for such owner, as far as the water is caused by said dam, to be an eddy or backed up said water or stream, and the water has or is about to wash a channel so as to run in said stream from above the dam below the same, to erect such fortifications as he may think proper to prevent the water from cutting or washing a channel upon the edge of such stream, as far as the water is caused by said dam to be an eddy, or backed up said stream.

May build a dam to keep the stream in the channel.

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CHAPTER XX.

AN ACT *making certain specific appropriations.*

APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That there shall be allowed to Jacob Rhoads for printing five hundred copies of the laws passed at the present session of the Legislature, the sum of one dollar and twenty-five cents per page in one copy (octavo page) & four cents for stitching each copy, and making an index and marginal notes to each; the sum of one hundred dollars is also allowed said Rhoads, for delivering the said five hundred copies of the laws as hereafter directed; and so soon as the printing, making the marginal notes, index, and deliv-

Appropriation for the printing 500 copies of the laws.

ering said laws shall be completed, the Territorial treasurer is hereby authorized to issue warrants for the same, payable at the treasury as in other cases.

Printer to  
distribute  
the laws to  
county clks.

§ 2. *Be it further enacted*, That so soon as the laws of the present session may be completed by the printer, he shall immediately forward thirty copies of the laws to the clerk's office of the several counties, and the said laws shall be distributed by the several clerks to the civil officers of the county; the residue of the laws shall by the printer be delivered in the secretary's office, for the Territory.

Enrolled  
bills, who  
delivered to.

§ 3. *And be it further enacted*, That the secretary of the Territory shall deliver the enrolled bills passed at the present session to James Noble and Ezra Ferris, taking their receipt for the same; and the said James Noble and Ezra Ferris shall deliver the same to Jacob Rhoads, taking his receipt for the same; and the said printer shall, after the printing is completed, and at the time he deposits the laws agreeably to this act, in the office of the secretary, return the enrolled bills.

Members,  
&c. paying  
into treas-  
ury to be re-  
paid by the  
sheriffs.

§ 4. *And be it further enacted*, That should any of the members of the Legislature at the present session, or the clerks, pay the amount of their claims against the Territory into the Territorial Treasury for any of the sheriffs of the Territory or counties, it shall be lawful for the treasurer to receive the same, and give such sheriff a credit in his books, stating the amount and from

whom received, and for what services; and then give a quietus to the sheriffs for the amount, embracing therein the name of the person paying as aforesaid, any law to the contrary notwithstanding.

Sums to be  
paid to sun-  
dry persons

§ 5. *And be it further enacted*, That there be allowed to Elizabeth Spencer, for house rent, &c. ten dollars; to Davis Floyd, for stationary and postage, thirteen dollars eighteen and one half cents; to Thom and Posey, sixteen

dollars and thirty-three and one third cents for stationary; to Henry Batman, six dollars for fire wood; to John D. Hay, for Territorial warrants consumed by fire, forty dollars; to William Branham, for candles, &c. three dollars; and the Territorial treasurer is hereby required to issue to the persons above named the several sums they are so allowed by this law.

When to be in force.

This act to take effect from and after its passage.

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CHAPTER XXI.

AN ACT to dissolve the marriage of John Daniels with Mary Daniels his wife, formerly Mary Burge, and for other purposes.

APPROVED December 26, 1815.

§ 1. Be it enacted by the Legislative Council, and House of Representatives, and it is hereby enacted by the authority of the same, That John Daniels and Mary Daniels (formerly Mary Burge) shall be, and they are hereby divorced from the banns of matrimony contracted between them, as fully

73

and completely as if the same had never been married; and that the marriage of the said John Daniels to the woman with whom he now lives, be, and the same is hereby legalized to all intents and purposes.

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CHAPTER XXII.

AN ACT for the relief of Daniel French.

APPROVED December 26, 1815.

Whereas it is represented to this Legislature that a certain Robert Maffit, from the state of Pennsylvania, came to the house of said French, without money or Preamble.

property, and was taken with the decay, and lay near three months helpless, before he departed this life; and whereas said French was at considerable expense in burying said Maffit, and attending on him before his death, and said French receiving no compensation for his trouble: For the remedy whereof,

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the associate judges of the county of Harrison, when sitting for county purposes, are hereby authorized to make said French such allowance as they may think just and reasonable, out of any money in the county treasury not otherwise appropriated.*

Judges of Harrison co to make an allowance.

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74

CHAPTER XXIII.

*AN ACT for the relief of Martin Huckleberry, Coroner of Clark County.*

APPROVED December 26, 1815.

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the judges of the county court of Clark county, be, and they are hereby authorized to pay and allow the coroner of said county such compensation as a sheriff is allowed for like services, for his trouble in summoning the judges, and subpoenaing witnesses, in a contested election in said county, in August, one thousand eight hundred and fourteen, to be paid out of the county treasury, out of any monies not otherwise appropriated.*

Judges of Clark county to order payment.

This act to take effect from and after the passage.

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CHAPTER XXIV.

*AN ACT to amend the act entitled "An act to incorporate the Borough of Vincennes."*

APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That to enable the trustees of the borough of Vincennes to carry completely into effect the act to which this is an amendment, the said trustees of the borough of Vincennes, shall be, and they are hereby au-

75

thorized and empowered to impose a tax annually on town lots in said borough not exceeding one half per cent. on the value thereof, taking into consideration the improvements thereon, and to appoint one or more assessors and collectors, to assess and collect the same; which tax so levied and imposed, shall be proportionate, and shall be by the said assessors assessed, and by the said collector collected and paid over in such manner, and under such rules and regulations, fines and penalties, as the said trustees by their by-laws and ordinances may direct, and all taxes so collected, and fines which shall accrue and be collected by virtue of this act, shall be by said trustees appropriated to discharge the expense of building the market house, built by order of the said trustees in said borough, and such other expenses as may have accrued, or shall hereafter accrue by virtue of this act, or the act to which this is an amendment.

Trustees—  
their duty.

Taxes and  
fines, how  
to be appro-  
priated.

§ 2. *Be it further enacted,* That the trustees shall allow the assessors and collectors, by them appointed by virtue of this act, for assessing and collecting such sum or sums, per cent or per centage, as they by their laws and ordinances may provide, and all fines and penalties accruing by virtue of this act, shall be prosecuted for, collected and paid over, agreeably to such provisions as the said trustees by their by-laws and ordinances shall provide: *Provided always,* That the expense of assessing

Assessors  
& collectors  
how paid.

Proviso.



and collecting the said tax shall not exceed ten per cent.

Lots to be surveyed & recorded.

May be sold for taxes.

Proviso.

§ 3. *Be it further enacted*, That the said trustees shall procure by survey or otherwise, a plot of the town of Vincennes, number the lots on said plot, and cause the same to be recorded, by the records kept by the said trustees, and also with the recorder of the county of Knox, and shall file said plot, or a true copy thereof with the clerk of the circuit court of said county, to be by him preserved, and in case any owner or owners of any lot or lots, or part of lots of ground in said borough, shall neglect or refuse to pay the tax due thereon to the said borough, the collector of tax for the time being shall expose the same at public sale at the court house door, or some other public place in said borough, or so much thereof as will bring the tax due thereon, to be laid off in form of a square or parallelogram, to be designated at the time of sale by the collector, and also in the deed he may give for the same: *Provided nevertheless*, That before any lot or lots, or part of lots shall be offered for sale, the collector shall advertise the same for sale in some public newspaper, printed in said borough, or some other paper printed in the Territory, at least for several times, and the last insertion shall be at least three weeks prior to such sale; and it shall be the duty of the collector in such advertisement to insert the number of the lot or

lots, and the name of the proprietor, if the proprietor's name be known.

Collector to give a deed, &c.

§ 4. *Be it further enacted*, That the collector of said tax when he shall sell any lot or lots, or part of lots for the tax due thereon, to give the purchaser a deed therefor, in the same manner and form as is prescribed by the act to authorize the collectors of taxes to make

§ 3, l. 2, l. 3, and l. 6. In the enrolled act the word "plat" is used instead of "plot."—ED.

deeds in certain cases, and the same deed shall be subject to the same rules and regulations as is prescribed by the said act; and the proprietor and proprietors of any lot or lots, or parts of lots, sold as aforesaid for the non payment of said borough tax, shall have the same time to redeem the same, under the same rules and regulations that lands or town lots may be redeemed, when sold for the non payment of Territorial or county taxes; and the said collector shall make out duplicate returns of the lots sold, stating therein the number of the lots, the proprietors' names if known, and the name of the purchaser, and the time of sale, and return one to the clerk of the court of the county, and the other to the board of trustees, to be by them preserved.

Redeemable as when sold for other taxes.

§ 5. *Be it further enacted*, That when the trustees of said borough shall choose any other person chairman of said board of trustees than one of the trustees of said borough, such chairman shall have no vote on the passage of any by-law, rule, regulation, or ordinance for the government of said borough.

Chairman not a trustee to have no vote.

## 78

§ 6. *Be it further enacted*, That at the next and any succeeding election for trustees in the said borough of Vincennes, three of the said trustees shall be elected from that part of the said borough which lies north-east of the street running from the river Wabash to the commons between the lots of the heirs of Henry Vanderburgh, deceased and the lots of Antoin Marreshal, and three of the said trustees from that part of the said borough lying between the aforesaid street and the street running from the river Wabash to the commons past the church, and the remaining three trustees from that part of the said borough which lies between the last mentioned street and the south western boundary of the said borough.

Trustees—where to be chosen.

§ 6, l. 1. In the enrolled act the last word is "every" instead of "any."—ED.

This act to take effect from and after the passage hereof.

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CHAPTER XXV.

AN ACT *authorizing the erection of a Bridge over Hogan Creek, in the vicinity of Decatur, Dearborn County.*

APPROVED December 26, 1815.

Board of  
commission  
ers.

§ 1. *Be it enacted by the Legislative Council and House of Representatives,* That Robert Wright, Thomas P. Metcalf, Caleb Hayes, Joseph E. Milburn, and Jesse L. Holman, or any three of them, are appointed a board of commissioners, and authorized to raise a sum of money not exceeding

79

Empower-  
ed to raise  
3000 dollars  
in shares of  
25 dollars.

three thousand dollars, in shares of twenty-five dollars each, for the purpose of erecting a Bridge over Hogan creek, near its junction with the Ohio river, and for that purpose may open, or cause to be opened, books for subscription, in such time, place and manner, as they may appoint, and so soon as forty such shares are subscribed for, the persons aforesaid, together with the shareholders of stock in said company, their successors, assignees, or representatives, be, and they are hereby declared a body politic and corporate, by the name and style of The Decatur Bridge Company; and by that name may sue and be sued, plead and be impleaded, and do and suffer all acts, matters and things, which a body corporate may do and suffer, and may have a common seal, and the same may alter at pleasure, and may make by-laws for the regulation of said company, and for carrying into effect the object of their institution, provided such by-laws are not repugnant to the laws of the United States, and this Territory.

Name or  
style.

§ 2. *Be it further enacted,* That so soon as forty of said shares are subscribed for, the commissioners afore-

said shall appoint a meeting of the stockholders in the town of Decatur, giving public notice of the time and place of meeting, for the purpose of electing five directors, and such other officers as they may deem necessary for performing the necessary business of said company, and said commissioners may adjourn

To choose  
5 directors.

80

said meeting from day to day, until the holders of two thirds of the shares subscribed for are present, which said holders of two thirds of the shares actually subscribed for, shall at all times be a quorum; and so soon as five directors shall be elected, the power of the commissioners shall cease and be determined, and their power be vested in the persons so elected, under such regulations as the company shall direct, and the said commissioners shall account for and deliver over to the said company, all monies, books, papers, &c. in their hands appertaining to the said company; and on each and every first Saturday in January in every year thereafter, an election shall be held in the town of Decatur for the election of new directors, and such other officers as the company may appoint, and the officers so elected shall continue in office until their successors are elected, in which election, every share actually subscribed for, shall be entitled to one vote, which vote may be given by proxy appointed, in writing under hand and seal, and subscribed by two witnesses.

Two thirds  
to form a  
quorum.

Time of annual  
election.

§ 3. *Be it further enacted,* That three fifths of the directors, one third of the shareholders, or the holders of one third of the shares subscribed for, may at any time call a meeting of the company in Decatur, by giving public notice of the time of meeting, for at least four weeks previous thereto, and the said company when so assembled shall have the same power of making

81

by laws, as at their regular annual meetings.

Shares negotiable and transferable

§ 4. *Be it further enacted*, That said shares shall be negotiable and transferable, under such regulations as the company may direct, and shall be considered as personal property, and may be attached or executed to satisfy the debts of the proprietor; and the purchaser of said shares, and the representatives of shareholders, shall be entitled to all the privileges, and subject to all the regulations to which the original shareholders were entitled or subject.

Shares, when paid.

§ 5. *Be it further enacted*, That the amount of said shares shall be paid by instalments of five dollars each; the first instalment shall be paid at the time of subscribing, and the balance at such times as the company shall appoint, provided the time be fixed at some general meeting of the company, and at least sixty days allowed between the days of payment; and if any instalment shall not be paid on any share or shares at the time appointed, nor thirty days thereafter, the directors of said company may forfeit said share or shares for the use of the said company, and in that case all the rights of the former holder or holders thereof, shall be vested in said company.

To be forfeit for non payment.

To build a bridge.

§ 6. *Be it further enacted*, That the said company are authorized to build a bridge over Hogan creek, near its junction with the Ohio, at least fourteen feet wide, in all respects suitable for the safe passage of trav-

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## 82

Court to regulate toll.

ellers, horses, cattle and carriages of every description, and when said bridge is completed, the said company are then authorized, or their agent or agents shall be entitled to demand and receive tolls at such rate as the county courts for the county of Dearborn, for the time being shall direct, agreeably to the laws regulating ferries.

Not to establish ferry within a mile.

§ 7. *Be it further enacted*, That the court for doing the county business for Dearborn county, nor any other court, shall have power to establish any ferry across



Hogan creek, within one mile of the said bridge, any law or usage to the contrary notwithstanding.

§ 8. *Be it further enacted*, That in suits at law against said company, the first process shall be a summons, to be served on the president or any of the directors of the said company; upon the service and return of which summons, the court shall proceed to trial as in other cases, and if judgment shall be rendered against said company, the court may order the usual process of execution, or a special writ to attach the money, goods, chattels, debts, shares, actions and tolls in the hands of any officer of said company, or of any other persons, and such attachment shall operate on tolls, hereafter to be received, which may be collected by a person specially appointed by the court, for the use of the plaintiff recovering such judgment, until such judgment shall be satisfied, and the court may make such further order for enforcing the pay-

Manner of proceeding in suits at law.

## 83

ment of such judgment, as may be consistent with the practice and powers of such court of law or equity; and if after execution shall have issued, and the same is not replevined, or if after execution shall issue on a replevin bond, and no property of the company shall be found to satisfy the execution, in either of the last named instances, and the said execution shall remain unsatisfied for six months thereafter, the plaintiff shall be at liberty to execute the private individual property of the president and directors of said company or either of them, and proceed to sell the same agreeably to the laws respecting the sale of property taken in execution, until said judgments and costs are satisfied; and said president and directors, or whoever of them, shall thus satisfy said judgment and costs, shall have liberty to retain in his, her or their hands

May execute private property.

§ 8, l. 9. In the enrolled act the first word is "choses" instead of "shares."—ED.

P. 83, l. 4. In the enrolled act the first word is "replevied" instead of "replevined."—ED.

How satisfied.

the tolls of said company, thereafter to be received until he, she or they are repaid the said execution, cost, and legal interest thereon, until the same is discharged, and that the shares in said company, shall be deemed personal, and not real property, and transferable in such manner as the company shall direct, and the shares held by any individual, shall be liable to be attached, or taken by *feri facias*, to satisfy the debts due from such individual, as other personal property may be.

§ 9. *Be it further enacted*, That it shall be the duty of said company to keep up in some convenient place on the said bridge,

## 84

Rates of toll to be posted on the bridge.

where the toll is collected, a printed or written list of the rates or toll allowed by the said court, and for every day the same shall be neglected after reasonable time to have the same printed, they shall forfeit and pay twenty dollars, to be recovered before a justice of the peace, by any person who shall sue for the same: *Provided nevertheless*, That the said company shall be at liberty to plead any matter in excuse or justification, to be judged of by said justice.

Proviso.

§ 10. *Be it further enacted*, That if any person or persons, other than the said company or their agents, shall pull down, deface, alter or destroy the said printed list of rates, he, she or they so offending, shall upon conviction before a justice of the peace, forfeit and pay twenty dollars, one half to the use of the informer, and the other half to the use of said company.

Penalty for pulling down list.

§ 11. *Be it further enacted*, That it shall be the duty of said corporation, as long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair, and if in neglect of their said duty, the said corporation shall at any time suffer the said bridge to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall on conviction thereof, by action of debt, before any court of competent juris-

To keep the bridge in repair.

diction, forfeit and pay a penalty of fifty dollars, at the discretion of the court, and the cost of prosecution, one half to the use of the informer, and the other half to the use of the coun-

Penalty for neglect.

## 85

ty, and shall moreover be liable, to the action of the party grieved thereby.

§ 12. *Be it further enacted*, That the toll taken at said bridge shall be received by the said corporation, for and during the term of ninety-nine years, to commence on the day when the said bridge shall be opened for passengers; after which time the said bridge shall be the property of Dearborn county, and the said corporation shall be dissolved, provided the said corporation shall at all times have power to dissolve itself, and thereby vest the property of said bridge in said county of Dearborn: *Provided however*, the said corporation shall never be dissolved until they have paid all their debts: *Provided also*, That the county of Dearborn shall have the privilege of purchasing the bridge with all its appurtenances, at a price not exceeding twenty-five per cent. on the original shares, after the expiration of thirty years.

Company to continue 99 years.

Proviso.

Proviso.

§ 13. *Be it further enacted*, That the said corporation shall have no power to issue bills of credit, payable to bearer, or in any other way enter into any banking policy whatever.

Not to issue bills of credit.

§ 14. *Be it further enacted*, That if any tollkeeper, appointed by said company to receive the tolls of said bridge, shall demand and receive from any passenger any higher or greater sum than shall be allowed by the court establishing the rates and tolls of said bridge, for crossing said bridge with any articles of property, for which he is

## 86

bound to pay a toll, or shall demand and receive any toll from any person for any property, which may be lawfully

Penalty for taking illegal toll.

Proviso.

Proviso.

carried over said bridge without toll, he, she or they so offending, shall for every such offence, be fined in a sum not exceeding ten dollars, to be recovered before any justice of the peace, or by information, or by indictment, before any court to be held in said county, with costs of prosecution, one half for the use of the prosecutor, and the other half for the use of the county: *Provided*, That nothing in this act contained, shall be so construed as to authorize said company, or any person in their behalf, to ask, demand, or receive any toll for any persons passing said bridge, until this act shall have been published in three several newspapers in this Territory, or some other newspaper in Cincinnati, three times, at the proper cost and charge of said company. *Provided also*, This act shall not be construed so as to authorize the erection of said bridge, unless the company aforesaid shall have previously obtained the right of soil whereon they intend to erect said bridge.

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CHAPTER XXVI.

AN ACT for the Regulation of the Town of Salisbury.  
 APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,*

Trustees.

Time of election.

That John Sutherland, George Hunt, David Harmin, John C. Kibby and David F. Sacket, be, and the same are hereby appointed Trustees of the town of Salisbury, who shall hold their offices until the first day of January, 1817, at which time it shall and may be lawful, and on the first day of January annually thereafter, for the free male citizens, residents of the town of Salisbury, above the age of twenty-one years, (free negroes, mulattoes and Indians excepted,) who have resided in said town for

the space of six months, and all other persons owning freehold estate in said town, and are residents, to elect and choose five trustees, who shall be freeholders, resident in said town; which election shall be conducted by one of the late or then acting trustees, to be appointed by the board of trustees for that purpose; ten days' previous notice thereof shall be given by advertising the same in three at least of the most public places in said town, which advertising shall be done by the chairman of the late or then acting trustees, and the return of the persons so elected shall be made to the clerk of said board, which shall be recorded in their books.

To give notice, &c.

§ 2. That vacancies occasioned by death, resignation or otherwise, shall be supplied by elections to be made in the manner herein before directed, on a day to be appointed by the remaining trustees, and return thereof made in manner herein before directed.

Vacancies, how filled.

## 88

§ 3. The trustees shall have power to impose taxes on the citizens of said town, who shall be entitled to vote for trustees, and that the said taxes shall be apportioned agreeably to the property held by each citizen within said town; and any citizen of said town who has no visible property in said town, shall be taxed in any sum not exceeding sixty-two and one half cents; and all lots and other property in said town, held by non residents, or others residing out of said town, shall be taxed agreeably to the value of said property, in proportion as the citizens of said town are taxed.

May levy taxes.

§ 4. That the trustees of said town shall have power to appoint a person to take in a list of the persons and taxable property in said town, and that the person or persons so appointed, shall at such time as the trustees may direct, proceed to take in and list in a book, the list of the persons taxable, and the taxable property, and return the same to the chairman of the trustees; and the several lists of taxable property shall be given in by each

Appoint a lister.



citizen upon oath, which oath the said person so appointed to take in the same, shall have power and authority to administer.

Repair the  
streets and  
alleys.

§ 5. *And be it further enacted*, That the said trustees shall have power and authority to regulate and repair the streets and alleys of said town, to remove nuisances and obstructions therein, and also to remove obstructions and nuisances therein at the

## 89

expense of the person or persons who occasioned them, provided the person or persons will not remove them on receiving notice from the trustees aforesaid; and when such person or persons fail after having notice given them to remove such nuisances or obstructions, the trustees shall on failure thereof, immediately have it done; and when done, the trustees of said town may proceed by warrant before some justice of the peace of the town or county, for the recovery of such sum or sums of money as may accrue in the removal of such nuisances or obstructions in said town.

To appoint  
a collector.

§ 6. *And be it further enacted*, That the trustees of said town shall have power and authority to make provision for the collecting and accounting for the taxes they are empowered by this act to levy, by appointing a collector, and directing distress for delinquencies, and to make such rules and regulations not contrary to the laws and ordinance for the government of the Territory and constitution of the United States, as shall by a majority of them be thought necessary for the police of said town, and affix a penalty for the breach of any by-law committed by any person or persons, not exceeding ten dollars, to be recovered at the suit of the trustees, before any justice of the peace in said town or county by action of debt, in the same manner that sums of like amount are now recoverable by law, together with costs of suit: *Pro-*

*vided always*, That before any by-law, enacted by the trustees of said town, shall have any operation, it shall be advertised for two weeks successively in the most public places in said town. Proviso.

§ 7. That immediately after the close of every annual election of trustees, directed by this act, the powers of their predecessors shall cease; and the trustees so elected, shall be put in possession of the property, money, papers and records, which the trustees, whom they succeeded had possession of.

§ 8. *And be it further enacted*, That the collector to be appointed by the trustees as aforesaid, do enter into bond with such security as may be approved of by said trustees, with a penalty in double the sum to be collected by him, payable to the said trustees, and their successors in office, and with a condition for the faithful execution of his office; and that the collector shall have such powers to collect as may be given by the trustees, and have an allowance for collecting six per cent. and provided said collector does not make his collections, or pay over the same when collected, agreeably to the provisions of this act, on ten days' previous notice being given, a judgment may be recovered against said collector by the trustees, in any circuit court for Wayne county for the full amount put into his hands to collect, and award execution thereupon. Collector to give bond.

§ 9. *And be it further enacted*, That the trustees of said town shall have free power and authority to enact by-laws to prevent shooting at a mark, or for sport, running or racing horses, within such parts of the streets, alleys, inlots, or within any part of the public square in said town, as the trustees may designate. Trustees may make by-laws.

§ 9, l. 2. In the enrolled act the word between "have" and "power" is "full" instead of "free."—ED.

§ 10. *Be it further enacted*, That in all cases where a judgment shall be recovered by the provisions of this act, against a collector, in the circuit court for the county of Wayne, judgment shall be given for costs, with an attorney's docket fee, should one be employed by the trustees, together with eight per cent. in damages.

May erect  
a market  
house.

§ 11. *Be it further enacted*, That the said trustees and their successors, or a majority of them, shall have power to erect a market house in said town, on the public square, so soon as the population of said town shall be able to bear the expense, or three-fourths of the citizens of said town entitled to vote for trustees, shall signify it fairly by petition to the then acting trustees.

Proviso.

§ 12. *And be it further enacted*, That all taxes and monies collected under the by-laws and the authority of this act, shall be applied towards the opening, repairing and improving the streets and alleys in said town, and the building of a market house, in the time and manner directed by this act, in the town aforesaid: *Provided nevertheless*, That whenever it may be found

Taxes may  
be partl  
paid in wor

Proviso.

convenient, that the citizens, or part of them, may work out their tax so assessed, by improving, repairing or clearing out the streets or alleys, as may be directed by the trustees of said town: *Provided also*, That such compensation as the said trustees may allow their clerk, and the person appointed to take in the list of taxable property, shall be deducted out of the monies collected under the authority of this act.

When to be  
in force.

This act to take effect from and after the first day of March next.

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CHAPTER XXVII.

AN ACT *supplementary to the act entitled "An act authorizing the erection of a Bridge over Tanner's creek, in the vicinity of Lawrenceburgh."*

APPROVED December 26, 1815.

§ 1. *Be it enacted by the Legislative Council and House of Representatives,* That from and after the date hereof, a further time of four months shall be allowed to the Lawrenceburgh Bridge Company, to open books and raise subscriptions for building said bridge over Tanner's creek, and if such books shall be opened, and twenty shares subscribed for, as aforesaid, then said company shall proceed in all respects, as if the same had been done before the first of January, 1815.

Company allowed 4 months.

93

§ 2. *Be it further enacted,* That David Guard is hereby appointed to fill the vacancy of Elijah Sparks, deceased.

§ 3. *Be it further enacted,* That said company may erect said bridge at any place a majority of the shareholders may think proper, over said creek, provided they procure the right of soil on both sides of the creek; and if said company should go on to erect said bridge, so as to complete the same in two years from the date hereof, no other bridge shall be authorized to be built over said creek, nor any ferry established than at the place already established, within one mile of said bridge, any law to the contrary notwithstanding.

May build the bridge where most suitable.

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CHAPTER XXVIII.

AN ACT for the incorporation of the town of Lawrenceburgh, Dearborn County, Indiana Territory.

APPROVED December 26, 1815.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That it shall be lawful for each free white male person, twenty-one years old and upwards, residing in the town of Lawrenceburgh, Dearborn county, Indiana Territory, and owning one or more lots

Who are qualified to vote.

therein, or freehold property to the amount of one hundred dollars, to meet on the first Monday of April next, at some suitable place

## 94

Time of election.

in said town, and on the first Monday of April annually, and when met, a majority of the freemen of the town aforesaid being present, shall determine by a majority of the votes present, whether it be expedient to enter into a town corporation: If it be deemed inexpedient, they shall not meet again for that purpose, until the next annual meeting of said town; but if it be deemed expedient, they shall proceed to elect a president and recorder for said town, who shall hold their offices one year, and until their successors are elected and qualified; and the president, recorder and freemen of said town, shall from that time forward be considered in law and in equity, as a body politic and corporate to all intents and purposes, to be known and designated by the name and style of The President, Recorder, and Freemen of the Town of Lawrenceburgh. The president's duty shall be to attend and preside at all town meetings, and preserve order; and the recorder's duty shall be to attend all town meetings, keep a record of their proceedings, and take care of their books and other papers.

Name and style.

Powers of the president, &c.

§ 2. *Be it further enacted*, That the president, recorder and freemen of the town of Lawrenceburgh, shall have full power and authority, when organized as aforesaid, to adjourn to some suitable place, and at such time as they may think proper, for the purpose of making regulations and by-laws for the police of said town, and to carry

## 95

To appoint a Marshal.—his duty.

the same into effect, they shall have power to appoint a marshal, who together with the president shall have the same power and authority in all matters and things touch-



ing the police of said town, and for all violations of the rules and by-laws, established for the government thereof, to issue and serve process, to proceed to trial, judgment and execution, and to assess, levy and collect taxes, fines, forfeitures, and penalties, and in the same manner, under the same rules, regulations and restrictions, that Sheriffs, Constables and Justices of the peace in their proper counties, may or can do.

§ 3. *Be it further enacted*, That the President, Recorder and Freemen aforesaid, or a majority of them, who may have assembled at any regular meeting, shall have power to levy taxes on all the property lying in said town, for the improvement of the streets and alleys thereof, and for such other purposes as they may think proper, and to order the same collected by the Marshal in the same manner as county taxes are collected by the Sheriff. *Provided however*, no nonresident shall be taxed more for his property, according to its value than residents; but the improvements made on a lot, shall be valued and taxed separate from the lot.

President  
recorder &  
freemen to  
levy taxes.

Proviso.

§ 4. *Be it further enacted*, That the President recorder and freemen aforesaid, shall have full power to appoint all such officers as they may think necessary, pre-

To appoint  
officers.

96

scribe their duties, fix their compensation, and do and transact all business that to them may appear necessary, for the improvement and benefit of the town aforesaid. *Provided*, such rules and regulations shall not be repugnant to the Constitution and laws of the United States and this their territory.

§ 5. *Be it further enacted*, That all the Streets, Alleys, and Commons, laid down on the plat of said town, as also of all additions that have or may be made thereto, shall be the property of the said President, recorder and freemen, to be held by them for the use and benefit of said town, and shall never be disposed of so as to become private property, unless by common consent, it may be

Streets &  
alleys may

be vacated  
by common  
consent.

thought best to vacate any street or alley, in which case, such street or alley may be sold for the benefit of said town.

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CHAPTER XXIX.

AN ACT for the Regulation of the Town of Vevay.

APPROVED December 26, 1815.

Trustees  
named.

§ 1. *BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That John Francis Dufour, Thomas Gilleland, Benjamin Norton, Walter Clark, and Thomas Armstrong, and their successors in office, duly elected, or appointed in manner hereinafter directed, be and they are

97

Trustees  
their juris-  
diction.

hereby made, declared and constituted a body corporate and politic, in law and in fact, to have continuance forever, by the name, style and title of the trustees of the Town of Vevay, and by such corporate name, style and title, shall be forever able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court or courts, or other places, or before any Judge or Judges, Justice or Justices, or other person whatsoever within this Territory, or elsewhere; in all & in all manner of suits, actions, complaints, pleas, causes, matters and demands of whatsoever kind or nature they may be, in as full and effectual a manner as any other person or persons, bodies corporate or politic, may or can do.

May re-  
ceive gifts  
of money or  
other pro-  
perty.

§ 2. *Be it further enacted,* That the said corporation may take and receive any real property, sum, or sums of money, goods and chattels, or other effects of what kind soever, which shall or may be given, granted or bequeathed by any person or persons, bodies politic or corporate, capable of making such gift, grant or bequest.

§ 3. *Be it further enacted*, That on the last Saturday in December 1816, and on the last Saturday in December of every year thereafter, an election shall be holden in some convenient place in said town of Vevay, to elect five trustees for the ensuing year, one of whom shall reside above ferry street, one between ferry and liberty

Election  
for trustees  
to be held  
annually.

N

98

streets, one between liberty and main cross streets, one between main cross street and union streets, and one below union street; a majority of whom shall form a quorum, with full power to transact all kind of business authorised by this act, and it is hereby made the duty of the sheriff of Switzerland county, or in his absence or sickness, the Coroner, to advertise in at least three of the most public places within the bounds of said corporation, (at least twenty days previous thereto,) the time and place of holding such election, and to superintend the same, appointing a Clerk to his assistance, and within three days after said election, to serve at least three of the persons so elected with a certified copy of the result of said election, which result of said election, shall be by said trustees placed on their record.

Sheriff or  
Coroner to  
advertise e-  
lection for  
trustees.

§ 4. *Be it further enacted*, That all the free white male inhabitants, who shall be twenty-one years of age or upwards, residing within the bounds of the corporation of said town, and who shall have resided therein for six months previous to said election, shall be allowed to vote at the said annual election for trustees of the town of Vevay.

Qualifica-  
tions of vo-  
ters.

§ 5. *Be it further enacted*, That the voters when voting at the election aforesaid, shall address themselves to the sheriff or coroner, and speak in an audible voice the names of the persons whom they vote for, which vote shall immediately be wrote

To vote  
vive voce.

Sheriff or  
Coroner to  
close the  
polls &c.

down by the Clerk of said election, and at the close of the polls, which shall be at four of the clock in the afternoon, the sheriff or coroner aforesaid, shall proclaim the five persons having the greatest number of votes duly elected.

Who elig-  
able as trus-  
tee.

§ 6. *Be it further enacted*, That no person shall be eligible as a trustee, or capable of holding the office of trustee, who shall not have been a resident of said town for at least one year previous to said election, and who shall not have property within the bounds of said corporation to the amount of five hundred dollars subject to taxation for the use of said corporation.

Vacancies  
how filled.

§ 7. *Be it further enacted*, That vacancies occasioned by removal, death, resignation or otherwise, between two annual elections, shall be supplied by the remaining trustees.

Trustees  
to hold sta-  
ted meet-  
ings.

§ 8. *Be it further enacted*, That the trustees of the town of Vevay, or a majority of them, shall hold stated meetings on on the first Fridays in January, April, July, and October, to transact the business of the corporation; and that special meetings may be called by the Chairman at the request of any two trustees, and at their first meeting after their appointment or election, shall previous to entering on any other business appoint some suitable person as clerk to their board, to serve one year, who shall give bond with sufficient security for the faithful performance of his duty in the sum of five hundred

To appoint  
a Clerk.

dollars, and they shall also appoint a Chairman from among their number.

To levy &  
collet taxes.

§ 9. *Be it further enacted*, That the said trustees shall have full power to levy and collect taxes on houses and lots within the bounds of the corporation, and on all persons allowed to vote, at an election for trustees, who have no visible taxable property, for the use of the corpo-



ration; *provided*, that the tax so laid on houses and lots, shall not exceed one dollar on each hundred dollars of its value in any one year, and that every person who has no visible taxable property, shall not be taxed more than fifty cents a year; and that the said trustees shall have full power, to levy and collect moderate taxes, on such other property, as they may deem proper objects of taxation, for the use of the corporation; *provided however*, such other objects of taxation, are not at the same time taxed by the county or territory.

Proviso.

Proviso.

§ 10. *Be it further enacted*, That to carry into full effect the foregoing section, the said trustees shall every year appoint an assessor, who shall before he enters upon the duty of his office, be sworn before some justice of the peace, truly and impartially to value the houses and lots within the bounds of said corporation, also to make out a list or lists of all taxable persons, and of such other taxable property which may be taxable that year, under such rules and regulations as the trustees

To appoint  
an assessor.

## 101

may direct, and to make return to them, at such time, and under such regulations, as they may order and direct.

§ 11. *Be it further enacted*, That the said trustees shall, after the assessor shall have made his return, every year, appoint a Collector, who shall give bond with approved security in double the sum to be collected, conditioned for the faithful accounting with said trustees for all that may be placed in his hands for collection, and said collector shall collect said taxes in such a manner, and at such a time, and under such rules, or by-laws as said trustees shall establish, *provided*, such rules, or by-laws, shall have been published in some News paper printed within this territory, at least twenty days previous to collecting said taxes, except in case of taxes on public shows, or other exhibitions, in which cases the said trustees shall have power to collect taxes, before the exhibition takes place.

To appoint  
a Collector.By-laws to  
be publish-  
ed.



To clear streets, alleys, public ground &c.

To build a Market House, and where.

§ 12. *Be it further enacted*, That the said trustees, shall have power to cause to be cleared out and improved in such manner as they may deem expedient, the streets and alleys of said town, also to clear the commons or public ground, and embellish the same by planting trees therein, and box them so they may be preserved, and to build a Market House on the ground appropriated for that purpose, and whenever any citizen shall dig any well or wells within the streets of said town and completely finish it or them, the said trustees may

## 102

and it shall be lawful for them to keep the same in repair.

Ordinances and by-laws to be made in writing.

To affix penalties for the breach of any by-law.

Not to be repugnant to the laws of the United States.

§ 13. *Be it further enacted*, That the said trustees or a majority of them, shall have full power from time to time, and at all times hereafter to make, ordain, establish, and execute such by-laws and ordinances in writing, as may be deemed useful or necessary for the good government of said town and the inhabitants thereof, and for the regulation of the Market and of the Landing at the river shore, and the same to amend, alter or abrogate at pleasure, and to affix a penalty or penalties, or fine for the breach of any by-law committed by any person or persons, not exceeding twenty dollars for any one breach, to be recovered at the suit of said trustees before any justice of the peace within the county of Switzerland, by action of debt, in the same manner that the like sums are now recoverable by law, together with costs of suit; and that they shall have full power to appoint such officers and servants as they may deem necessary to carry those by-laws into full execution; *Provided*, that no by-law shall be in force until it shall have been published in at least three of the most public places of said town, for ten days successively; *Provided also*, that no by-law or act of the trustees aforesaid, shall in any wise be repugnant to the Constitution of the United States, or the Ordinance and laws for the government of this Territory.

## 103

§ 14. *Be it further enacted*, That the bounds of the Corporation of the town of Vevay, be what is now comprised within the platt of the In-Lots of said town, and what ground lies between said lots and the river Ohio, and whenever any addition of in-lots shall be laid off adjoining to the present in-lots, such addition of lots thus laid out, shall form a part of the corporation, and have the same privileges and be subject to the same regulations as the original corporation.

Bounds of  
the Corpo-  
ration.

§ 15. *Be it further enacted*, That for such services as are to be rendered by virtue of this act, the trustees shall allow reasonable compensation, to the different officers, for such services by them rendered.

To make  
a reason-  
able allow-  
ance to all  
officers.

This act to take effect from and after its passage.

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## CHAPTER XXX.

AN ACT to incorporate the Trustees of the Seminary of Vevay.

APPROVED December 26, 1815.

1. *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That James Rouse, John Dumont, Philo Averil, Elisha Golay and Daniel Dufour, and their successors duly elected or appointed in manner herein after directed, be, and they are hereby made, declared

Trustees.

## 104

and constituted, a body corporate & body politic, in law and in fact, to have continuance forever, by the name, style and title of "The Trustees of the Seminary of Vevay," and by such corporate name, style, title, shall be hereafter forever able and capable in law and equity,

Declared  
a body po-  
litic.

§ 1, l. 3. In the enrolled act the first name is "Rous" instead of "Rouse."—ED.

to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court or courts or other place, and before any Judge or Judges, or other persons whatsoever within this Territory, or elsewhere, in all, and all manner of suits, actions, complaints, pleas, causes, matters and demands, of whatsoever kind or nature they may be, in as full and effectual a manner as any other person or persons, bodies politic or corporate may or can do.

May purchase or receive by donation lands tenements, &c.

Proviso.

Proviso.

§ 2. *Be it further enacted*, That the said Trustees or a majority of them and their successors, shall have full power and authority in their corporate capacity to purchase, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid to them and their successors forever, and to hold or dispose of the same by sale or otherwise for the use of said Seminary: *Provided*, that the said corporation shall not hold more than ten thousand acres of Land at one time. *Provided however*, that the Legislature reserve the privilege of making such alterations, as may hereafter be found ne-

## 105

cessary, to insure the proper application of all monies held by said corporation.

To make, have and use a Seal.  
To appoint a teacher or teachers.

To appoint a Clerk.

§ 3. *Be it further enacted*, That the said Trustees or a majority of them, shall have full power and authority to make, have and use, a common Seal, the same to break, alter and renew at pleasure, to appoint a Teacher or Teachers of such branch or branches of learning, as they may think proper to have taught in said Seminary; to appoint a Chairman from their own body, to supply vacancies that may happen in their body between elections: also to appoint a Clerk, and such other officers as they may from time to time deem expedient, to assign their duty, fix their compensations, and remove him or them from office, and appoint others in their place, as often as they shall think fit, and to require such security for

the performance of their duties, and to impose such fines for neglect as they may think necessary. To make, ordain, establish and execute, such by-laws & ordinances as may be deemed useful for the government of said institution, and the same to alter, amend or abrogate at pleasure. *Provided*, that no rule, ordinance or by-law, be made repugnant to the laws of this Territory or of the United States.

To make  
by-laws.

§ 4. *Be it further enacted*, That an election by ballot, for five Trustees of the Seminary of Vevay, shall be held on the first Saturday of April, one thousand eight hundred and sixteen, and on the first Sat-

Elections  
to be held  
annually.

O

106

urday of April annually thereafter, at such place in the town of Vevay, and under the superintendance of such persons as the Trustees may appoint, notice thereof having been given by advertisement posted up at two of the most public places of the town of Vevay, at least ten days previous to the election, or by advertisement in one or more public News-paper within this Territory, at least three weeks previous to said election, and every man of the age of twenty-one years or upwards, who has paid one dollar, or who shall hereafter pay five dollars for the benefit of said Seminary shall be allowed to vote, and no other at said election: *Provided*, that no one shall be allowed to vote by proxy; and *Provided also*, that no person shall be eligible as a Trustee, who does not reside in the town of Vevay or within four miles thereof, and who is not qualified to vote.

Qualifica  
tion of elec  
tors.

Place of re  
sidence of  
Trustees.

§ 5. *Be it further enacted*, That if no election should be held as directed by the foregoing section, the Trustees then in power shall hold their place for one year longer, and until an election shall be held.

Trustees  
to hold their  
seats &c.

§ 6. *Be it further enacted*, That no particular tenets of religion shall be taught in said Seminary.

No parti  
cular tenets  
to be taught



Subject to such rules & regulations as Semina

§ 7. *Be it further enacted*, That this institution shall be subject to such rules and regulations as may be hereafter established by law for other Seminaries of learning in

ries hereafter established.

Recognising all former sales, grants, &c.

When in force.

this Territory, and shall moreover be open for the reception of Students from any parts.

§ 8. *Be it further enacted*, That all the sales, grants, bargains, purchases or contracts hereafter made and contracted by the said trustees or any of them, by and with the consent of a majority of them in the name of "The Trustees of the Seminary of Vevay" shall be deemed lawful and valid in law and equity.

This act shall take effect from and after its passage.

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CHAPTER XXXI.

AN ACT for the regulation of the Town of Centreville.

APPROVED December 26, 1815.

*BE it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the following persons be, and they are hereby appointed trustees of the Town of Centreville, to continue in office until the third Saturday in December eighteen hundred and sixteen; Jeremiah Meek, James Jenkins, Thomas M'Cay, John Maxwell and Job Huddleson, a majority of whom shall form a quorum, which said Trustees, shall be a body corporate, in deed, fact, and in name, by the name and style

Trustees of the town of Centreville.

Name and style.

of the "Trustees of the town of Centreville," and by the same name shall have perpetual succession, and they shall, and their successors shall, at all times hereafter, by the name of "the Trustees of Centreville," shall be able and



capable in law, to sue and be sued, plead and be impleaded, in any court of justice whatever.

§ 2. *Be it further enacted*, That the holders of lots in the said Town, shall be and they are hereby authorised to elect five Trustees annually on the first Monday in December.

Hold elections on the 1st Mond'y in Dec'r

§ 3. *Be it further enacted*, That the Trustees shall have power to appoint a Clerk to their board, and annually to appoint an assessor, whose duty it shall be to value and assess the lots with the improvements thereon in said town, and make return to the Trustees; having previously taken an oath before some justice of the peace, truly and impartially to perform the same.

To appoint a Clerk and Assessor.

§ 4. *Be it further enacted*, That on the return of each list of taxable property, by the assessor, the trustees shall levy a tax thereon, at a rate not exceeding two per centum on the valuation of such lots, for opening the commons, and clearing and keeping in repair, the streets and alleys, and such other improvements thereon, as may be thought necessary by the Trustees.

Tax not to exceed 2 per cent.

§ 5. *Be it further enacted*, That the Trustees shall annually, at the same time they appoint an assessor, appoint a collec-

To appoint a Collector.

tor, who before he enters on the duties of his office, give bond and security, to the Trustees or a majority of them in double the sum to be collected, for the faithful collection, and accounting for the same according to law, that the said Collector shall by sale of such lots or otherwise, collect and account with the Trustees of said town, for the amount of taxes with which he shall be charged, within four months from the time of his appointment, for the collection of which, the Trustees shall allow him five per centum on the whole amount, *Provided however*, That before the said collector shall expose to sale, any property for the taxes due thereon, he shall advertise such sale, at least three weeks in some public News-paper,

Collectors fees.

To advertise sale of lots.

which may be most convenient to the town of Centreville.

Vacancies  
how filled.

§ 6. *Be it further enacted*, That on the death, removal, resignation or refusal of any one of the Trustees, the vacancy shall be filled by the remaining balance of the Trustees, who shall appoint a successor, who shall continue in office until the next election.

§ 7. *Be it further enacted*, That any three of the Trustees shall be sufficient to form a board.

Trustees  
may make  
by laws.

§ 8. *Be it further enacted*, That the said Trustees or a majority of them, shall have full power, from time to time, and at all times hereafter, to hold a Council within said town, and to make such By-

## 110

laws, Ordinances and Regulations in writing, not inconsistent with the laws of the Territory, or of the United States, as to them may appear necessary for the good government of said town, and the inhabitants thereof, and the same to put in execution, revoke, alter, and make anew, as to them shall seem necessary, for the use and benefit of said town.

*RESOLUTIONS,*

PASSED AT THE

SECOND SESSION

OF THE

FIFTH GENERAL ASSEMBLY

OF THE

INDIANA TERRITORY.



## JOINT RESOLUTIONS.

## CHAPTER I.

JOINT RESOLUTIONS *of the Legislative Council and House of Representatives.*

APPROVED December 18, 1815.

*RESOLVED* by the Legislative Council and the House of Representatives of the Indiana Territory, and it is hereby Resolved by the authority of the same, That so soon as the Legislature of the state of Ohio shall pass a law declaring that whenever a public Road in the said state of Ohio, shall be laid off adjoining to, and running with the line drawn from the mouth of the Great Miami river north, dividing the State of Ohio and the Indiana Territory, and that the said road in the State of Ohio, shall be twenty-five feet wide, or such width as the said Legislature may direct; then and in that case, whenever a public road in the Indiana Territory, shall be laid off adjoining to, & running with the line drawn from the mouth of the Great Miami river north, dividing the State of Ohio and the Indiana Territory the said road in the Indiana Territory, shall be twenty-five feet in width.

§ 2. *Be it further Resolved by the authority aforesaid,* That the Governor of this Territory is hereby requested to transmit copies of those resolutions to the Governor of the state of Ohio, and request him to lay the same before the Legislature of the state of Ohio, for their consideration.

P

114

## CHAPTER II.

A JOINT RESOLUTION *for the relief of John Weaver,*



*Administrator and Eliza Sparks, Administratrix of  
Elijah Sparks deceased.*

APPROVED December 18, 1815.

*Resolved by the Legislative Council and House of Representatives of the Indiana Territory, That Davis Floyd Treasurer of this Territory, be authorised to audit the claims of Elijah Sparks deceased, for seven months service, as circuit judge in the third circuit of said Territory; amounting to four hundred and eight dollars thirty three and one third cents to Isaac Dunn, by order of John Weaver administrator, and Eliza Sparks administratrix of the said Elijah Sparks deceased.*

§ 2. *And be it further resolved by the authority aforesaid, That hereafter any officer, entitled to a salary under the laws of this Territory, and the same to be audited quarter yearly by the Territorial treasurer, and such officer dies or resigns, it shall be lawful for the Territorial treasurer, to audit the claim of such officer, that may be justly due, either to such officer, his heirs, executors, or administrators.*

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### CHAPTER III.

#### A JOINT RESOLUTION of both Houses.

APPROVED DECEMBER 26, 1815.

Whereas Colonel John Vawter has represented to this Legislature, that he has not received from the county court of Jefferson county, that justice to

115

which he is entitled, in the compensation they have allowed him for listing the taxable property of said county, for the present year,

For remedy whereof,

*BE it resolved by the Legislative Council and House of Representatives, That Henry Ristine, Jesse Gray and*

John Sering, of said county, be, and they are hereby appointed Commissioners, to examine into the merit of the claims of the said John Vawter, against the said county of Jefferson, and they are hereby required to meet at the Court house of said county, on the second day of the term, of the next Circuit court for said county, and if they shall be persuaded, that justice has not been done to said Vawter, in the allowance made him, as aforesaid by the court, they, or a majority of them, are required to make such additional allowance to said Vawter, as to them may appear just, which additional allowance shall be paid on an order of said Commissioners, by the county treasurer, in the same manner, as other county orders are paid.

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#### CHAPTER IV.

A RESOLUTION *for the relief of Dennis Pennington.*

APPROVED DECEMBER 26, 1815.

Whereas it has been represented to this Legislature, that Dennis Pennington, who was the undertaker for erecting the Court House in Corydon, in consequence of not receiving the money as contracted to be paid, has been compelled to pay a considera-

116

ble sum, in interest, &c. And whereas the circuit court for Harrison county, do not conceive, that they have any power, by any existing law, to give the said Pennington relief,

Therefore,

*Be it Resolved by the Legislative Council and House of Representatives,* That the associate Judges for the county of Harrison, be, and they are hereby authorised to make to said Pennington, any other and further allowance, as from a view of the whole circumstance, shall be consid-

ered by them equitable and just, to be paid out of the county funds as in other cases.

This Resolution to take effect from its passage.

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CHAPTER V.

A JOINT RESOLUTION of both Houses, authorizing the Trustees of the borough of Vincennes, to levy an additional tax.

APPROVED December 26, 1815.

*Resolved by the Legislative Council and House of Representatives, That the Trustees of the borough of Vincennes, shall have power and authority to levy and collect a tax for the use of the said borough, on the following objects, to wit: on each four wheeled Pleasure Carriage, not exceeding five dollars; on each two wheeled Pleasure Carriage, not exceeding two dollars; on each Pack or Deck of Sporting Cards, not exceeding one dollar; on each Billiard Table, not exceeding fifteen dollars; on each Hog, Pig or Shoat, running at large in said borough, not exceed-*

117

ing fifty cents; on each Dog or Bitch, not exceeding one dollar; on each Ball-alley, not exceeding five dollars; on each Horse race run in said borough, not exceeding five dollars; on each Retail Store, not exceeding ten dollars, to be in proportion to the value thereof.

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CHAPTER VI.

A JOINT RESOLUTION of both Houses.

APPROVED DECEMBER 28, 1815.

*Resolved by the Legislative Council and House of Representatives, That a further allowance of ten dollars be*

made for Candles and House rent for the present session, to Elizabeth Spencer, and that the Auditor of the Territory be authorised to audit the same, as other monies allowed by law.

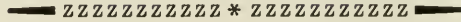
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CHAPTER VII.

*A JOINT RESOLUTION.*

APPROVED DECEMBER 28, 1815.

*Resolved by the Legislative Council and the House of Representatives, That the Joint Resolution, respecting the printing the Acts of the Legislature, approved September eighth, 1814, be, and the same is hereby repealed.*



APPENDIX.

AN ACT for the formation of a new county out of the counties of Washington and Jefferson. . . . . 3

AN ACT to repeal the several laws of the Indiana Territory, authorizing the Judges of the former Courts of Common Pleas and the Judges of the Circuit Courts in term time, and the said Judges in vacation to issue writs of Certiorari. . . . . 7

AN ACT to attach part of the County of Gibson to Posey County. . . . . 7

AN ACT to prevent Swindling. . . . . 9

AN ACT supplementary to the several acts providing for the opening and repairing Public Roads and Highways. . . . . 13

AN ACT to amend the act entitled "An act establishing Circuit Courts." . . . . 24

AN ACT to prevent Counterfeiting and Forgery. . . 25

AN ACT regulating Elections. . . . . 27

AN ACT for the regulation of the town of Lexington. 29

AN ACT to amend the several acts, providing for the assessment and appropriation of Fines. . . . . 34

AN ACT extending the jurisdiction of Justices of the Peace. . . . . 36

AN ACT for the formation of a new County, out of the Counties of Washington, Gibson and Knox. . . 57



AN ACT legalizing the proceedings of the Washington Circuit Court for the County of Washington. . . . .	60
AN ACT fixing the times of holding Courts in the Counties hereinafter mentioned. . . . .	<i>ib.</i>
AN ACT concerning Clerks. . . . .	61
AN ACT for the relief of Collectors of taxes in the counties of Franklin and Clark in this Territory. . . . .	64
AN ACT supplementary to an act to establish Ferries, and an act supplementary thereunto. . . . .	<i>ib.</i>
AN ACT concerning Insane Persons. . . . .	66
AN ACT to amend the act entitled "An act regulating Grist Mills and Millers." . . . .	69
AN ACT making certain specific appropriations. . . . .	70
AN ACT to dissolve the marriage of John Daniels with Mary Daniels his wife, for-	

## 120

merly Mary Burge, and for other purposes. . . . .	72
AN ACT for the relief of Daniel French. . . . .	73
AN ACT for the relief of Martin Huckleberry, Corner of Clark County. . . . .	74
AN ACT to amend the act entitled, "An act to incorporate the borough of Vincennes." . . . .	<i>ib.</i>
AN ACT authorising the erection of a Bridge over Hogan Creek, in the vicinity of Decatur, Dearborn County. . . . .	78
AN ACT for the Regulation of the Town of Salisbury. . . . .	86
AN ACT supplementary to the act entitled "An act authorizing the erection of a Bridge over Tanner's Creek, in the vicinity of Lawrenceburgh." . . . .	92

AN ACT for the Incorporation of the town of Lawrenceburgh, Dearborn County, Indiana Territory. 93

AN ACT for the regulation of the town of Vevay. . . . . 96

AN ACT to incorporate the Trustees of the Seminary of Vevay. . . . . 103

AN ACT for the regulation of the town of Centreville. . . . . 107

121

Joint Resolutions of the Legislative Council and House of Representatives. . . . . 113

A joint resolution for the relief of John Weaver, Administrator, and Eliza Sparks, Administratrix of Elijah Sparks deceased. . . . . 114

A joint resolution of both Houses. . . . . *ib.*

A Resolution for the relief of Dennis Pennington. . . . . 115

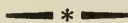
A joint Resolution of both Houses, authorising the Trustees of the borough of Vincennes, to levy an additional Tax. . . . . 116

A joint Resolution, of both Houses. . . . . 116

A joint Resolution . . . . . *ib.*

Q

## INDEX.



	<i>Page.</i>
<b>A</b>	
ASSISTANT JUDGES to erect public buildings,.....	5
Alias and pluries Capias and Summons,.....	48
Appointment of Referees,.....	49
Appropriation for printing 500 copies of the laws,.....	70
Assessors and Collectors how paid,.....	75
Actions cognizable under the term Trespass,.....	52
<b>B</b>	
Board of Commissioners,.....	78
to raise 3000 dollars in shares of twenty-five dollars each, .....	79
Bounds of the corporation of Vevay,.....	103
By-laws not to be repugnant to the laws of the U. S.....	102
<b>C</b>	
County named Jackson,.....	4
Commissioners to fix seat of Justice,.....	5,
when to convene, and where,.....	<i>ib.</i>
Courts to be held at Velonia,.....	<i>ib.</i>
to lay a tax on Lands, Stores, &c. collected by Sheriffs as other taxes, .....	13
to appoint three Commissioners,.....	14
to have cognizance of probate of Wills, &c.....	20
Commissioners, one to be designated Treasurer,.....	<i>ib.</i>
to give bond,.....	15
to meet where and when,.....	<i>ib.</i>
their wages, .....	19
Clerk of the court to notify,.....	22
Counterfeiting and Forgery,.....	25
penalty, .....	26
Costs to be recovered with Damages, &c.....	33
County Clerks, their duty,.....	35
penalty for refusal or neglect,.....	36
Constable to testify, .....	39
Capias, .....	47
Conviction of Referees, .....	51

	<i>Page.</i>
Constable to attend on day of trial, .....	56
Courts to erect Public Buildings, .....	59
when held in Orange County, .....	61
when in Jackson County, .....	<i>ib.</i>
to establish Ferries, .....	65
Licenses already granted to continue good,.....	<i>ib.</i>
to be void on sale or disposal of the Ferry,.....	66
to order Sheriff to summon a Jury of 12 men,.....	67
on verdict of insanity to appoint 3 guardians,.....	<i>ib.</i>
may order sale of property, .....	68
to regulate toll, .....	82
not to establish ferry within one mile,.....	<i>ib.</i>
Clerk of the Court to be indicted before Circuit Court,.....	62
to submit fee bills to the Court, .....	63
Collectors to give bond with security, .....	32, 90
may compel payment of Taxes,.....	64
allowed a further time of two months,.....	<i>ib.</i>
to give a Deed, &c.....	77
to advertise sale of Lots,.....	109
their Fees, .....	109
Chairman, not a Trustee, to have no vote, .....	<i>ib.</i>
Company to continue ninety nine years, .....	85
not to issue Bills of Credit, .....	<i>ib.</i>
allowed four months, .....	92
may build the Bridge where most suitable, .....	93
Certificates to be taken in lieu of taxes at par,.....	17
Compensation of Supervisors, .....	18

## D

Duty of Circuit Judge in the second District, .....	24
of Judges and Justices, .....	35
Dedimus to take Depositions, .....	54
Decatur Bridge Company to choofe five Directors, .....	79
two thirds to form a quorum,.....	80
time of annual election, .....	<i>ib.</i>
to build a bridge, .....	81
manner of proceeding in suits at law, .....	82
to keep the bridge in repair, .....	84
penalty for neglect, .....	<i>ib.</i>
not to issue bills of credit, .....	84
to continue ninety-nine years, .....	<i>ib.</i>

## 124

## E

Extra compensation of Judges, .....	24
Extra fees, .....	40
Exception, .....	36, 41
Entitled to a Jury of twelve men, .....	56
to a Writ of <i>ad quod dam num</i> , .....	69
Enrolled Bills, who delivered to .....	71
Elections for Trustees to be held annually, .....	97

## F

Fines, how appropriated, .....	34
to be paid on or before the first of March annually,....	35
Form of Oath or Affirmation, .....	42
Ferryment to land persons and property from boats, &c.....	66

## G

Governor to re appoint on conviction of the Clerk,.....	63
---	----

## I J

Justices of the Peace to collect and pay in by the 1st Dec.....	18
to issue a Warrant on information, .....	26
to issue Search Warrant, .....	27
to have jurisdiction with Circuit Courts, .....	36
to notify, .....	38
to give copy of proceedings if required,.....	<i>ib.</i>
to grant a re-hearing, .....	39
may appoint a Constable, .....	40
extra fees, .....	<i>ib.</i>
to deliver transcript of judgment, .....	42
may issue warrant against freeholder, .....	43
to be tried in the same manner as Clerks of the Circuit Court, .....	63
If money remains in the Treasury, Sheriff not to collect the Road Tax, .....	19
Interrogatories to be administered to Witnesses,.....	55
Information against Referees, .....	50
Judges of Harrison County to make an allowance to Daniel French, .....	73
of Clark County to allow the Coroner the same pay as Sheriff for summoning Jury, .....	74



698 INDIANA HISTORICAL COLLECTIONS

L

Listers, their duty, ..... 18  
 Lots to be surveyed and recorded, ..... 76

125

*Page.*

Lots may be sold for taxes, ..... 76  
 redeemable as when sold for other taxes, ..... 77

M

May pay money in lieu of labor, ..... 21  
 Mode of electing in case of vacancies, ..... 28  
 May confess Judgment to the amount of 100 dollars,..... 41  
     appeal to the Circuit Court, ..... 56  
     build a Dam to keep the stream in the channel, ..... 69  
 Members, &c paying into the Treasury, to be repaid by the  
     Sheriffs, ..... 71  
 Marshal, his duty, ..... 95

N

New County taken out of the counties of Washington and  
     Jefferson, named Jackson, ..... 3  
 Not to assign, pay, transfer or pass Notes on the Indiana  
     Manufacturing Company's Bank, ..... 12  
 New Counties attached to first Circuit, ..... 24  
 Notice to Referees, ..... 48  
 New County taken off Washington, Gibson and Knox; styled  
     Orange, ..... 57  
     Boundaries, ..... *ib.*  
     to enjoy equal privileges with other counties, ..... 58  
     where to hold Courts..... 59  
     what District belonging to, ..... *ib.*

O

Oath of Referees, ..... 49  
     where damages are required, ..... 53  
 Ordinances and By-laws to be made in writing,..... 102

P

Permanent line of Jefferson County, ..... 6  
 Part of Gibson County attached to Posey County, ..... 7

Boundaries, .....	8
Penalty for passing unchartered Bills of Credit, .....	10, 11
for passing counterfeit Bank Notes, .....	12, 13
for Counterfeiting and Forgery, .....	26
Preachers to be exempt from labor on the Road,.....	26
Proceedings to be certified,.....	26
Parties may choose Referees, .....	37

## 126

	<i>Page.</i>
Parties confessing to testify, .....	42
Plaintiff to be qualified on demanding Capias, .....	43
Penal to ask or receive more than legal Toll, .....	69
Printer to print 500 extra copies of the Road Law,.....	23
to distribute the Laws to the County Clerks,.....	71
Penalty for pulling down Rates of Toll, .....	84
for taking illegal Toll, .....	86
Power of the President, Recorder and Freemen of the Town of Lawrenceburgh, .....	94
to appoint a Marshal, .....	95
to levy Taxes, .....	<i>ib.</i>
to appoint Officers, .....	<i>ib.</i>

## Q

Qualifications of Votes, .....	98
--------------------------------	----

## R

Rates of Taxation to be posted, &c. ....	21
penalty for neglect or refusal, .....	<i>ib.</i>
Roads to be surveyed, .....	22
to be recorded, .....	23
Referees to be sworn or affirmed, .....	38
their fees, .....	<i>ib.</i>
Report of Referees to be final, .....	41
of Referees, form of, .....	49
Rates of Toll, to be posted on the Bridge, .....	84
penalty for pulling down or defacing, .....	<i>ib.</i>
Repair Streets and Alleys, .....	88
Recognizing all former sales, grants, &c.....	107

## S

Sheriffs to give bail, .....	14
Supervisors, their duty, .....	15

700 INDIANA HISTORICAL COLLECTIONS

penalty for neglect, .....	16
to transmit a statement of monies to County Clerk,...	21
Summons, form of, .....	47, 53
for Referees, .....	50
Supersedeas, form of .....	53
Suits, &c. in Law, to be suspended, .....	68
to proceed against Guardians, .....	<i>ib.</i>
Sums to be paid to Sundry persons, .....	72

127

	<i>Page.</i>
Shares negotiable and transferable, .....	81
when paid, .....	<i>ib.</i>
to be forfeited for non payment,.....	<i>ib.</i>
Streets and Alleys to be vacated by common consent,.....	96
Sheriff or Coroner to advertise election for Trustees,.....	98
to close the polls, &c. ....	99
Seminary of Vevay, no particular tenets to be taught in,.....	106
subject to such rules and regulations as seminaries here- after established, .....	<i>ib.</i>

T

To work not more than four days, .....	16
Ten days' notice to be given, .....	17
Township Treasurer's Fees, .....	19
Treasurers' and Commissioners' to hold their offices one year, and to keep books of record, .....	20
to be Clerk to the Commissioners, .....	<i>ib.</i>
Trustees of the town of Lexington, .....	29
how chosen, .....	<i>ib.</i>
Vacancies, how supplied, .....	30
to levy Taxes, .....	<i>ib.</i>
to appoint a Lister, .....	<i>ib.</i>
to repair Streets and Alleys, .....	31
to appoint a Collector, .....	<i>ib.</i>
to make By-Laws, .....	33
to erect a Market House, .....	<i>ib.</i>
of the Borough of Vincennes, their duty, .....	75
where to be chosen, .....	78
of the town of Salisbury, .....	87
time of election, .....	<i>ib.</i>
to give notice, .....	<i>ib.</i>
Vacancies, how filled, .....	<i>ib.</i>
to levy Taxes, .....	88

to appoint a Lister, .....	<i>ib.</i>
to repair Streets and Alleys, .....	<i>ib.</i>
to appoint a Collector, .....	89
to make By-Laws, .....	91
to erect a Market House, .....	<i>ib.</i>
of the town of Vevay, .....	96
their jurisdiction, .....	<i>ib.</i>
may receive gifts of money or other property,.....	<i>ib.</i>
to be elected annually, .....	<i>ib.</i>
to hold stated meetings, .....	99

## 128

	<i>Page.</i>
Trustees of Vevay to appoint a Clerk, .....	99
to levy and collect Taxes, .....	100
to appoint an Assessor, .....	<i>ib.</i>
to appoint a Collector, .....	101
to clear Streets, Alleys, Public Ground, &c.....	<i>ib.</i>
to build a Market House, .....	<i>ib.</i>
to affix penalties for the breach of any by law,.....	102
to make a reasonable allowance to all officers,.....	103
of the Seminary of Vevay, .....	<i>ib.</i>
declared a body politic, .....	104
may purchase or receive by donation, lands, tenements, &c. <i>ib.</i>	
to make, have and use a Seal, .....	105
to appoint a Teacher or Teachers, .....	<i>ib.</i>
to appoint a Clerk, .....	<i>ib.</i>
to make By Laws, .....	<i>ib.</i>
to hold Elections annually, .....	<i>ib.</i>
place of residence, .....	106
to hold their seats, &c. ....	<i>ib.</i>
of the town of Centreville, .....	107
declared to be a body corporate, .....	<i>ib.</i>
when elected, .....	108
to appoint a Clerk and Assessor, .....	<i>ib.</i>
to levy a tax not to exceed two per cent. ....	<i>ib.</i>
to appoint a Collector, .....	<i>ib.</i>
to make By Laws, .....	109
Ten days' notice to be given, .....	17
Taxes, how to be applied, .....	33
and Fines, how appropriated, .....	75
To vote vive voce, .....	98

## W

Wages for hands and teams, .....	17
----------------------------------	----

702 INDIANA HISTORICAL COLLECTIONS

What constitutes an Action for Debt, .....	44
for Covenant, .....	45
for Assumpsit, .....	<i>ib.</i>
Warrant to levy a Fine, .....	51
Who are qualified to vote, .....	93

ERRATUM . . . . *Page 107, line 6 from top, for here-  
after read heretofore.*



APPENDIX I.  
PRIVATE ACTS PASSED BY THE  
INDIANA TERRITORIAL ASSEMBLIES  
1810 AND 1814

The private acts of 1810 and 1814 printed here were printed with the general acts of those sessions by title only. Transcripts have been made from the enrolled acts in the office of the Secretary of State, with the exception of the act for incorporating the Roman Catholic Church in Vincennes. The transcript of this act was made from a photostat in the Indiana State Library, taken from the enrolled act in a private collection.



THIRD ASSEMBLY, FIRST SESSION, 1810

AN ACT *for the releif of Mess<sup>rs</sup> Daniel Fetter James Hughes and Salmon Fuller*

Whereas it has been represented to the General Assembly of this Territory by sundry petitions and other documents, That by the act of the state of Virginia Incorporating the Town of Clarkesville in this Territory” the trustees thereof were authorised to dispose of the land upon which the said Town was laid off, in half acre lots at public auction or otherwise as they might think proper, And whereas the said trustees by their orders and Resolutions, did dispose of a certain part of the said Town to General William Clark in fee conditional, who transfered the same, to the aforesaid Mess<sup>rs</sup>. Fetter, Hughes, and Fuller, And whereas as it seems to have been the intention of the Legislature of Virginia to subject the lots and land whereon the said Town of Clarkesville was laid off to the controul and disposition of the trustees of the said Town; who for the benefit of the proprietors therein and for the interest of the public at large, did dispose on masse in the manner aforesaid, of a number of lots; And it appearing by the memorial of the said Fetter Hughes and Fuller that their intention is to erect, for the public utility and convenience, mills and other water works on the said ground, Therefore

Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same; That the said Daniel Fetter, James Hughes and Salmon Fuller, their heirs and assigns, be and they are hereby considered and shall be taken, deemed and holden as the legal and equitable proprietors of the lots and land contained in the orders and resolutions of the said board of trustees and the deed of transfer thereof from the said William Clark; subject Nevertheless to the

terms and conditions upon which the same was granted by the said board of Trustees to the said William Clark.

GN<sup>l</sup>. W. JOHNSTON *Speaker of the House of Representatives*  
 JA<sup>s</sup>. BEGGS *President of the Legislative Council*

Approved November the twenty first 1810

WILL<sup>m</sup> HENRY HARRISON

*AN ACT to legalize the marriage of William Smith*

Whereas it is represented to the General Assembly that in the year one thousand eight hundred and seven William Smith now of Harrison County and Indiana Territory was married to a certain Elizabeth Wood, at that time of Clark County, by a certain Leroy Smith who was supposed to be a licensed preacher of the gospel of the sect denominating themselves christians, but Whereas it has been represented, and is now beleived that the said Leroy Smith has been previously excommunicated by the sect to which he belonged and was no longer authorised to perform the functions of a minister Therefore Be it enacted by the Legislative Council and house of Representatives and it is hereby enacted by the authority of the same, that the marriage of the said William Smith and Elizabeth Wood shall be deemed and considered legal to all intents and purposes as if the same had been solemnized by a minister legally authorised for the purpose

DENNIS PENNINGTON *Speker of the house representatives*

JA<sup>s</sup> BEGGS, *President of the Legislative Council*

Approved 4<sup>th</sup> December 1810

WILL<sup>m</sup> HENRY HARRISON

*AN ACT incorporating the New Hope Baptist Church, on Deer Creek in the County of Dearborn.*

Whereas it hath been represented to the General

Assembly of this Territory, That sundry Citizens of the Tenth and Eleventh Townships in the County of Dearborn, have associated themselves together for the purpose of building a Church, and thereby to propogate the Gospel of our blessed Saviour Jesus Christ, and that for the better ordering and establishment of the said institution on a more permanent & solid foundation, they have prayed that a Charter of Incorporation may be granted to the said Church: And Whereas, religion in an eminent degree contributes towards the solid enjoyments of life, and inspires us with hope and consolation in the hour of death

Sec: 1<sup>st</sup>. Be it therefore enacted by the Legislative Council & House of Representatives, and it is hereby enacted by the authority of the same; That John Brown, George Harlin, & John Ewing, and their successors, duly elected & appointed as is herein after directed, be and they are hereby made, constituted and declared to be a Corporation and body politic in law and in fact, to have continuance for ever, by the name, style and title of "The Trustees of the New hope Baptist Church on Deer Creek."

Sec: 2<sup>d</sup>. Be it further enacted, That the said Corporation & their successors, shall forever be persons able & capable in law as well to take receive & hold all & all manner of Lands, Tenements, Rents & other hereditaments, which at any time hereafter have been granted, bargained, sold, devised or otherwise conveyed to the said Congregation or to any other person or persons to their use, or in trust for them; and the same lands, tenements, rents and other hereditaments are hereby vested & established in the said Corporation & their successors for ever, according to their original use and intention: And the said Corporation and their successors at all times hereafter, shall be able & capable to purchase, have, hold, receive and enjoy in fee simple, or



of any other lesser Estate or estates, any lands, tenements, rents and other hereditaments, by the gift, bargain, sale, confirmation or devise of any person, or persons, bodies politic or corporate, capable & able to make the same: And further, that the said Corporation and their successors, may take or receive any sum or sums of money, or any portion of goods or Chattles that shall be given to them by any person or persons, bodies politic or Corporate, capable of making such gift or bequest; such monies, goods & Chattles to be laid and disposed of for the use & benefit of the aforesaid congregation agreeably to the intention of the donors.

Sec: 3<sup>d</sup>. Be it further enacted, That the rents, profits & interests of the said real & personal estate of the aforesaid Church & corporation, shall by the said Trustees & successors, from time to time, be applied and laid out for the maintainance & support of the Gospel Ministry in said congregation, for repairing & maintaining the House of public Worship, lots of land & other buildings, burrial ground, and such pious and charitable uses as shall be agreed upon by a majority of the congregation at large, called together on due notice to give their free vote in such case.

Sec: 4<sup>th</sup>. Be it further enacted, That the said Trustees and their successors shall not by deed or any other wise, dispose of, grant or convey any part or parcel of the Estate real or personal in the corporation vested or to be hereafter vested, or charge or incumber the same, to any person or persons whatsoever, without the consent of a majority of the said congregation first had and obtained.

Sec: 5<sup>th</sup>. Be it further enacted, That the said Trustees or their successors, or a majority of them, may from time to time meet for the benifit of the

said corporation, either on their own adjournments or on notice in writing left at the house of each Trustee, or on public from the pulpit the preceeding lord's day; and being so met, be authorised and empowered to elect and appoint from among themselves a President and also to elect and appoint from among themselves or other members of said congregation, a Treasurer and Secretary, and to remove, change or continue all or either of them at pleasure.

Sec: 6<sup>th</sup>. Be it further enacted That the said Trustees or a majority of them, met as herein before directed, shall be authorised and empowered to make Rules, By-laws and Ordinances, the same to execute, revoke, annul or continue, as to them may be necessary; and to do every thing needful for the good government & support of the secular affairs of said congregation: Provided always, that the said By-laws and Ordinances, or any of them, be not contrary to the Laws of the United States or of this Territory; and that all their Laws & proceedings be fairly & regularly entered into a Book to be kept for that purpose.

Sec: 7<sup>th</sup>. Be it further enacted, That the said Corporation and their successors, by the name of "The Trustees of the New Hope Baptist Church on Deer Creek," shall be able & capable in law to sue and be sued, plead & be impleaded, answer and being answered unto in any court or courts, before any Judge or Judges, Justice or Justices in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever nature, kind or form they may be; and all and every matter and thing therein to do in as full and effectual a manner as any other person or persons, body politic or corporate within this Territory may or can do.

Sec: 8<sup>th</sup>. Be it further enacted, That the said Corporation shall always consist of three members known by the name and style of "the Trustees of the New hope Baptist Church on Deer Creek"; and the said members shall at all times hereafter be chosen by ballot, by a majority of such members met together of the said congregation as shall have been enrolled as stated worshippers with and yearly contributors to the support of the said church: Provided always, that the Minister of said congregation, for the time being, shall be entitled to vote equally with the members of said congregation; and that all & every person or persons quallified to vote as aforesaid, shall and may be capable of being elected a Trustee as aforesaid.

Sec: 9<sup>th</sup> Be it further enacted, That the said John Brown, George Harlin & John Ewing, the first and present Trustees, hereby incorporated, shall be and continue Trustees aforesaid until the Twenty-third day of November Eighteen hundred and Eleven, upon which day a new election shall be had and held of so many others in their stead and place, by a majority of the persons met & quallified agreeably to the true intent & meaning of this act, to vote & elect as aforesaid, yearly for ever: Provided always, that the same Trustees or either of them may be re-elected at such elections, and if by any accident an election shall not be holden on said day, shall continue Trustees until an election shall be made at some future day by them to be appointed, so that the same be within one month thereafter; and provided also, that whenever any vacancy shall happen by the death, refusal to serve or other removal from office of any one or more of the said Trustees, an election shall be held as soon as conveniently can be done, and some fit

person or persons chosen and appointed as before directed, to supply such vacancy; and that the remaining Trustees have power to call a meeting of the electors of said congregation for that purpose. And provided always, and it is hereby enacted, that the clear yearly value of interest or income of the lands, tenements, rents or other hereditaments and real Estate of the said corporation, shall not exceed the sum of One thousand dollars exclusive of free contributions belonging to the aforesaid congregation; which land & money shall be received by the said Trustees and disposed of by them in the manner herein before directed.

DENNIS PENNINGTON *Speaker*  
of the house of representatives

JAS<sup>S</sup> BEGGS *President of the*  
*Legislative Council*

Approved 7<sup>th</sup> December 1810

WILL<sup>M</sup> HENRY HARRISON

AN ACT for the relief of the heirs and Representatives of Samuel Ewing deceased.

Whereas it appears to this Legislature by the petition of the heirs of Samuel Ewing deceased that it is their wish, and that it would be of advantage to the said decedents estate to lay off a town on fraction twenty nine in range No. four east in township No. five north in Harrison County and Whereas some of the legal representatives of the said decedant are minors and incapable of making deeds to lots which might by the said heirs and representatives be sold and disposed of.....

Sec. 1. Therefore Be it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same, That John Harbison, Thomas Ewing and John McAfee be

appointed as trustees to survey and lay off a town on the aforesaid fraction to leave as public ground streets and alleys such parts of the said town as they or a majority of them may think most beneficial to the said decedants estate—and the said trustees or a majority of them are hereby authorised to advertise for sale from time to time such part or parts of the said lots as they may think proper at a credit of twelve months, advertising at least thirty days before any such sale and the said trustees or a majority of them are hereby vested with all the powers to effect the perfecting of titles to the lots so sold as the said Samuel Ewing in his life time possessed, and it shall be the duty of said trustees or a majority of them to demand, and receive of the purchasers of lots aforesaid, bond with sufficient security for the payment of the price of any lot or lots so sold, payable to them or their successors in office.....

Sec. 2. And be it further enacted when any vacancy shall happen in the aforesaid board of trustees by death resignation, or refusal to act that the remaining trustees shall be authorised to fill such vacancy by a vote of the remaining trustees.....

Sec. 3<sup>d</sup>. And be it further enacted that before the trustees aforesaid or any of them shall under the authority of this law be authorised to act, that they shall enter into bond with sufficient security to the infant orphans of the said decedant conditioned that they shall well and truly account for and pay to each of the said infant orphans aforesaid their equal and proper parts with lawful interest thereon agreeably to the last will and testament of the said decedant or in case he died intestate agreeably to the laws of the land in such cases made and provided which bond shall be filed in the Clerks office of the proper County in which said town lies.....



Sec. 4 And be it further enacted that it shall be the duty of said trustees or a majority of them in case they shall be unwilling to pay interest on the respective parts of the said orphans then and in that case they shall and may loan the afore-said part or parts to any person who may be willing to pay interest for the same taking bond with sufficient security for the same, payable to said orphans at the time they arrive at full age or to their guardians as the case may be.....

DENNIS PENNINGTON

*Speaker of the House  
of representatives*

JAS. BEGGS *President of the  
Legislative Council*

Approved 10<sup>th</sup> December 1810

WILL<sup>M</sup> HENRY HARRISON

*AN ACT to Incorporate the Ohio Steam Boat Navigation  
Company*

Whereas Daniel D. Tompkins, Robert R. Levingston and Dewitt Clinton, together with sundry other Citizens of the state of New York have associated for the purpose of raising a fund to navigate the river Ohio by means of Boats to be propelled by steam upon the plan of Robert Fulton and Robert R Levingston's Patent, and have with a view to further this useful design and to divide the hazards set on foot a subscription, and have actually subscribed a considerable sum of money, upon condition that one of the States or Territories bordering on the Ohio should deem it expedient to grant support and encouragement by Incorporating the subscribers and those that may associate with them for the establishing Steam Boats on the Ohio

To the end therefore That the said Daniel D. Tompkins, Robert R Levingston and Dewitt Clinton their present & future associates may be encouraged to proceed with the Boat they have now commenced and to carry

into effect their laudable undertaking, which promises greatly, to add to the convenience & advantage of the Inhabitants of the States and Territories bounding on the Ohio.

Trustees appointed.

§ 1<sup>st</sup> Be it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same: That Daniel D Tompkins Dewitt Clinton, Robert R Levingston, Robert Fulton and Nicholas J. Roosevelt, and their present and future Associates, their successors and assigns, be and they are hereby erected a body Corporate and politic, by the name of the "Ohio Steam Boat navigation Company," and are hereby ordained constituted and declared to be, for and during the term of their operation, a body Politic and Corporate, in fact and in name, and by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever—And that they and their successors, by the same name, and stile shall be in law capable of purchasing, holding and conveying any estate real and personal for the use of the said Corporation: Provided That the real estate so to be holden shall be such only as shall be necessary to attain the objects of this Corporation .....

§ 2<sup>sd</sup> Be it further enacted That the Stock, property and concerns of the said Company shall be conducted and managed by Directors chosen, annually by the stock holders and persons authorised by the articles of subscription to vote, and that due notice in writing, shall be given by the agent of the Company to every of the subscribers, of the time and place of chosing the first directors And that the votes shall be taken in person or by proxy: And that if any vacancy or vacancies shall at any time happen among the Directors, by death, resig-

nation, removal or otherwise, such vacancy or vacancies shall be supplied for the remainder of the term by such person or persons, as the remainder of the Directors for the time being, or the major part of them, shall appoint. That the first Directors shall be Robert R Levingston, Robert Fulton, Dewitt Clinton and Nicholas J. Roosevelt who shall hold their office for the space of twelve months from the passage of this act

§ 3<sup>ts</sup> Be it further enacted, That the Directors shall have power to appoint all such officers and agents as they shall deem necessary for carrying into effect the powers, by this act vested in the said Company

§ 4<sup>th</sup> Be it further enacted, That it shall be lawful for the said Directors to call on and demand from the stock holders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as are mentioned in the articles to which they have subscribed under pain of forfeiture of their shares and all previous payments thereon, to the said Directors and Company

§ 5<sup>th</sup> And be it further enacted, That if any person or persons shall wilfully do or cause to be done, any act whatsoever whereby the said Boats or any of them shall be injured, molested or impeded, the person or persons so offending shall forfeit and pay to the said Company, treble the amount of the damages sustained by means of such offence or injury, to be recovered by said Company with Costs of suit, by action of Debt, in the name of this corporation, in any of the courts of this Territory or of the United States.

DENNIS PENNINGTON *Speaker*  
*of the House of representatives*  
JAS BEGGS *President of the*  
*Legislative Council*

Approved 15<sup>th</sup> December 1810

WILL<sup>M</sup> HENRY HARRISON

AN ACT *for incorporating the Roman Catholic Church  
in Vincennes*

Whereas the members of the Roman Catholic Church at Vincennes and its Vicinity in the County of Knox have represented to the General Assembly of this Territory that they have been possessed since time immemorial with certain lands, Houses and town lots and that they are not incorporated, and by law enabled, as a body politic and corporate to hold such donations and bequests as have been, or may from time to time be made to their society, they therefore pray that they may be vested with powers and privileges for the attainments of the objects aforesaid—And whereas it is but Just and right and also agreeably to the true spirit of the ordinance and Constitution of the united States that the prayer of the said petition be granted

§ 1<sup>st</sup> Therefore Be it enacted by the Legislative Council and House of Representatives of the Indiana Territory and it is hereby enacted by the authority of the same that Jean B<sup>t</sup>. Delorier, Toussaint Dubois, Francis Racicot, Louis Delorier and Alexander Valle, and their successors duly elected and appointed in such manner and form as herein after directed be and they are hereby made and constituted a corporation and body politic, in law, and in fact, to have continuance for ever, by the name, style, and title of the Trustees of the church of saint Francis Xavier of Vincennes

Sec. 2 Be it further enacted that the said corporation and their successors in office by the name style and title aforesaid, shall forever hereafter be persons able and capable in law as well to hold take and receive all and all manner of lands, tenements rents annuities Franchises and other hereditaments, which at any time or times heretofore have been granted bargained sold enfeoffed released devised, or otherwise conveyed to the said Roman Catholic Church, in Vincennes and County aforesaid or to the religious Congrega-

tions worshipping therein or to any other person or persons to their use, or in trust for them and the same lands tenements, rents annuities, liberties franchises and other hereditaments are hereby vested and established in the said corporation and their successors in office for ever according to their original use and intention, And the said corporation and their successors are hereby declared to be seised and possessed of such estate or estates therein, as in and by the respective grants bargains, sales enfeoffments, releases, devises or other conveyances thereof is or are declared, limited or expressed as also that the said corporation and their successors in office at all times hereafter, shall be capable and able to purchase, have, receive, take hold and enjoy in fee simple, or any other less estate or estates any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment release, confirmation, or devise of any person or persons, bodies politic and corporate, capable and able to make the same: and further that the said corporation may take and receive any sum or sums of money and any manner or portion of goods and chattles that have or shall be given or bequeathed to them, by any person or persons, bodies politic and corporate, capable to make a bequest or gift thereof, such money goods and chattles to be laid out by them in a purchase or purchases of lands, tenements, messuages, Houses, rents, hereditaments, to them and their successors forever, or other wise disposed of according to the true intention of the original donors

§ 3<sup>th</sup> Be it further enacted that the rents, issues, profits and interest of the said real and personal estate of the said church and corpora-



tion, shall by the said trustees and their successors in office, from time to time be applied for the maintenance and support of a paster for the said church, for and towards the relief of the poor in communion of the said church in repairing the House of public worship burial ground parsonage house or other Houses which do or hereafter may belong to the said church and corporation

§ 4<sup>th</sup> Be it further enacted that the said trustees and their successors in office, shall not by deed fine, or recovery or by any other ways or means grant a lien or otherwise dispose of any lands, tenements or hereditaments in them or their successors vested or to be vested nor charge or incumber the same to any person or persons whatsoever without the consent and approbation of a majority of the members of said congregation first had and obtained

§ 5<sup>th</sup> Be it further enacted that the said trustees and their successors, or a majority of them met from time to time, after public intimation given, the preceeding lords day commonly called sunday, from the Desk or alter of said Church immediately after divine service, before the congregation are dismissed or after regular notice in writing left at the House of each trustee, and the particular business inserted therein at least one week before, be authorised and impowered to make by laws and ordinances agreeably to the Rules of the Roman catholic church and do every thing needful, for the good government and support of the secular affairs of said church and the same to be put into execution, revoke, alter, and make anew as to them shall appear necessary, Provided always that the said bye laws, rules and ordinances, or any of them be not repugnant, to the laws of the United States or of this Territory and that all their proceedings be fairly and

regularly entered into a church Book to be kept for that purpose: and also that the said trustees and their successors by a majority of votes of any three or more of them when met as aforesaid, after intimation or notice as aforesaid given, be authorised and empowered to elect & appoint from among themselves a President and also to elect from among themselves or others a Treasurer and secretary and the same President, Treasurer and secretary, or any of them at their pleasure to remove, change alter or continue as to them or a majority of any three or more of them so met from time to time as aforesaid shall seem to be most proper for the benefit of the said church and corporation.....

§ 6<sup>th</sup> Be it further enacted that the said corporation and their successors, shall have full power and authority, to make have and use one common seal, with such devise and inscription, as they shall think proper, and the same to break alter and renew at their pleasure.....

§ 7 Be it further enacted that the said corporation and their successors in office, by the name of the Trustees of the Church of saint Francis Xavier of Vincennes; shall be able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court or Courts, before any Judge or Judges, Justice or Justices, in all and all manner of suits, complaints, pleas, causes, matters, and demands of whatsoever nature, kind or form they may be and all and every matter and thing therein to do, in as full and effectual a manner as any other person or persons body politic or corporate, within this Territory may or can do

§ 8<sup>th</sup> Be it further enacted that the said corporation, shall always consist of five members called and known by the name of the Trustees of

the church of saint Francis Xavier of Vincennes and the said members shall at all times hereafter be chosen by ballot, by a majority of such members met together of the said congregation, as are stated worshippers with the said church for not less than the space of one year And have paid contributions towards the support of said Church and shall not at any time of voting be more than one year in arrears for the same

§ 9<sup>th</sup> Be it further enacted that the said Jean B<sup>t</sup> Delorier, Toussaint Dubois, Francis Rasico, Louis Delorier and Alexander Valle: the first and present trustees hereby incorporated shall be and continue trustees aforesaid until they be removed in manner following that is to say, that all and every the trustees herein named and appointed, shall cease and discontinue and their appointment determine on the first of November 1811 upon which day a new election shall be had and held of so many others in their stead and place by a majority of the persons met and qualified agreeable to the true intent and meaning of this act, to vote and elect as aforesaid yearly and every year forever, Provided always that the same trustees or either of them may be reelected at such elections: and if by any accident an election shall not be held on said day shall continue trustees untill an election shall be made at some future day by them to be appointed, so that the same be within one month thereafter—Provided that all and every person or persons qualified as aforesaid to vote and elect shall and may be capable and able to be elected trustees aforesaid

§ 10<sup>th</sup> Be it further enacted that when any vacancy shall happen by the death, resignation, refusal to serve or removal of any one or more of the Trustees aforesaid; pursuant to the directions of this act contained an election shall be held of

some fit person or persons in his or their stead so dying resigning refusing or removing, as soon as conveniently can be done; and the persons so elected shall be, remain and continue as a trustee or trustees aforesaid, so long without a new election as the person or persons in whose place and stead he or they shall have been so elected as aforesaid, would or might have continued and remained and no longer: and that in all cases of a vacancy happening by the means in this act last mentioned the remaining trustees shall be impowered to call a meeting of the electors for supplying the said vacancy, such meeting be notified and published in like manner as herein before directed and appointed for notifying and publishing the meeting of the Trustees

§ 11 Be it further enacted that the clear yearly value or income of the messuages, Houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation shall not exceed the sum of three thousand dollars exclusive of the money arising from the annual contributions, belonging to the said church, and also exclusive of the money arising from the opening of the ground or burial which said money shall be received by the trustees and disposed of by them in the manner herein before directed.—

DENNIS PENNINGTON *Speaker*  
*of the House of representatives*  
 JA<sup>s</sup>. BEGGS *President of the*  
*Legislative Council*

Approved 17<sup>th</sup> December 1810

WILL<sup>m</sup> HENRY HARRISON

AN ACT *for the releif of Samuel M<sup>c</sup>Clure, William Brandy, John Curry and John Hogue.*

Whereas Samuel M<sup>c</sup>Clure, William Brandy, John Curry and John Hogue entered into a recogni-

zance in the sum of two hundred dollars for the appearance of David Whitinghill, before the Court of Common Pleas for the County of Knox at the July term last which said Whitinghill absconded from the Territory, and forfeited his recognizance notwithstanding the exertions of his said securities to prevent his escape and to have him forthcoming at the said Court, wherefore they are liable under said recognizance, and a motion is now pending against them in the said County Court of Common Pleas, for releif whereof

Sec. 1. Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That the attorney General, be and he is hereby instructed to enter a nolle prosequere on said motion, and the said Samuel M<sup>c</sup>Clure, William Brandy, John Curry and John Hogue be and are hereby discharged from said Recognizance, Provided however that the said securities do pay to the several officers of Court their fees and the costs that have already accrued on said recognizance. This act to take effect from and after the passage thereof

DENNIS PENNINGTON  
*Speaker of the of  
representatives*

JAS. BEGGS *President of the  
of the Legislative Council*

Approved 17<sup>th</sup> December 1810

WILL<sup>m</sup> HENRY HARRISON

*AN ACT Legalizing the Sale of a Quarter Section of land  
sold by the board of Trustees of the Vincennes  
University*

Be it enacted By the Legislative Council & House of Representatives of the Indiana Territory and it is hereby



enacted by the authority of the same that the Quarter Section of Land which it appears that the Trustees of the Vincennes University have sold beyond the 4000 Acres which they were by Law authorised to sell be and the Same is hereby confirmed

GN<sup>r</sup> W. JOHNSTON *Speaker*  
*of the House of Representatives*  
JA<sup>s</sup> BEGGS *President of the*  
*Legislative Council*

Approved 19<sup>th</sup> Dec<sup>r</sup>. 1810

WILL<sup>m</sup> HENRY HARRISON

FIFTH ASSEMBLY, FIRST SESSION, 1814

AN ACT *for the regulation of the Town of Salem in the county of Washington.*—

Sec: 1.—Be it enacted by the Legislative Council & House of Representatives, and it is hereby enacted by the authority of the same, That the following persons be and they are hereby appointed trustees of the Town of Salem to continue in office until the first monday in January 1815, Viz: Thomas Beesley, Simeon Lamb, John De Pauw, James Ferguson and Thomas Weathers, a majority of whom shall form a quorum, which said Trustees shall be a body corporate in deed, fact and in name, by the name & style of the Trustees of Salem, and by the same name shall have perpetual succession, and they and their successors at all times hereafter, by the name of the Trustees of Salem, shall be persons able and capable in law to sue and be sued, plead and be impleaded in any court of Justice whatever.—

Sec: 2.—Be it enacted That the holders of lots in said Town being residents thereof shall be and they are hereby authorised to elect five Trustees annually on the first monday in January, That it shall be the duty of the Sheriff of the county of Washington to advertise twenty days previous thereto at the door of the court house that such an election will be held, and also to superintend and conduct the same, for which service compensation shall be made by the Trustees.—

Sec: 3. Be it further enacted That the Trustees shall have power to appoint a clerk to their board and annually to appoint an assessor whose duty it shall be to value and assess all lots in said Town, to make return thereof to the Trus-

tees—having previously taken an oath before some Justice of the peace truly and impartially to perform the same; but in the valuation of said lots the houses and improvements erected thereon shall not be taken into consideration until after the expiration of five years.—

Sec: 4. Be it further enacted, That on the return of each list of taxable property, by the assessor, the Trustees shall levy a tax thereon, at a rate not exceeding two per centum on the valuation of such lots for opening the streets and commons, and keeping in repair the same and such other improvements thereon, as may be thought necessary by the Trustees.—

Sec: 5.—Be it further enacted That the Trustees annually at the time they appoint an assessor shall appoint a collector, who shall before he enters on the duties of his office give bond and security to the Trustees or a majority of them in double the sum to be collected conditioned for the faithful collection and accounting for the same according to law; and the said collectors shall by sale of such lots or otherwise collect and account with the Trustees of said Town, for the amount of the taxes with which he shall be charged with in four months from the time of his appointment for the collection of which the Trustees shall allow him not more than seven per centum on the whole amount. Before the said collector shall expose to sale any property for the taxes due thereon, he shall advertise the time and place of sale for two weeks at the court house door of Washington county and in one of the public newspapers either in Louisville or in this Territory.—

Sec: 6.—Be it further enacted That on the death, resignation, or removal of any one of the Trustees, the same shall be filled by the remaining Trus-

tees who shall appoint a successor to continue in office until the next election.

Sec: 7—Be it further enacted, That any three of the Trustees shall be sufficient to form a board.—

Sec: 8. Be it further enacted That the said Trustees, or a majority of them shall have full power from time to time and at all times hereafter to hold a common council within the said Town, and to make such bye laws, ordinances & regulations in writing, not inconsistent with the laws of the Territory or of the United States, as to them shall appear necessary for the good government of the said Town & the inhabitants thereof; and the same to put in execution, revoke, alter & make anew, as to them shall appear necessary for the police of said Town—

Sec: 9. Be it further enacted, That whenever the owner of any lot or lots, is about to build on his said lot or lots, and shall have reason to fear that the trees standing on any adjoining lot or lots will fall on his building or buildings so about to be erected he shall apply to the Trustees of said Town, and if said Trustees are satisfied, that there is danger of such trees falling on, or in any way endangering the said proposed building or buildings, they may by their order direct so much of the said surrounding timber to be cut down by the applicant as may be necessary to secure the said proposed building or buildings—Provided however That in no case shall the standing trees on any lot or lots be so cut down or directed to be cut down, unless five days notice shall be given at the door of the court house in the town of Salem, that such application will be made to the trustees by written advertisement stating the time & place of such application, and on which lot or lots,

the timber so to be cut down shall stand; & provided further that the owner or owners of such timber, so cut down shall be paid the full value of his timber, to be estimated by three disinterested freeholders, without said corporation—said freeholders to be chosen by the Trustees.—This act to take effect from & after its passage.—

WILLIAM HENDRICKS *Speaker*  
*of the House of Representatives*  
 JESSE L. HOLMAN *President*  
*of the Council*

Approved 6<sup>th</sup> September  
 1814

TH: POSEY

AN ACT *for the releif of Nancy Whitford.*

Whereas it has been represented to this Legislature, That Nancy Whitford, of Dearborn County, in this Territory, was formerly married to one Benjamin Whitford, who not only refused to provide food and apparel for her, but likewise deserted her—And whereas it has likewise been represented that the said Nancy Whitford, but now Nancy Ives, being herself deserted by her husband Benjamin Whitford, and being in a forlorn and distressed situation, and being informed of the said Benjamin Whitford's having contracted a second marriage, she was induced to contract on her part a marriage, with one Nehemiah Ives, and as some doubts have arisen with respect to the legality of her marriage with the said Nehemiah Ives, Therefore

Be it enacted by the Legislative Council & House of Representatives, and it is hereby enacted by the authority of the same, That the said Nancy shall from the said Benjamin be and she is hereby divorced from the bands of matrimony contracted between them; and the marrige which was contracted by the said Nancy with

Sec: 1—



the said Nehemiah is hereby legalized to all intents and purposes, and shall be so taken & esteemed, as well within as without all courts of Judicature, & Tribunals whatsoever—any law, usage or custom to the contrary hereof notwithstanding.

WILLIAM HENDRICKS *Speaker*  
*of the House of Representatives*  
 JESSE L. HOLMAN *President*  
*of the Council*

Approved 2<sup>d</sup> September 1814

TH: POSEY

AN ACT *for the relief of Benjamin V. Beckes Sheriff*  
*of Knox County*

Whereas it is represented to this Legislature that Benjamin V Beckes sheriff of Knox County deposited with John D Hay for safe keeping about two hundred dollars of the revinue of said County for the year 1813 before the said John D Hay's house was consumed by fire

Be it therefore enacted by the Legislative Council & house of Representatives, That the Court appointed to transact County business in said County of Knox be and they are hereby authorised to give Benjamin V Beckes sheriff and collector of the County Taxes for the the County of Knox for the year 1813 credit for such sum or sums of County money as he may have deposited with the said John D Hay for safe keeping and which was lost when the said Hays house was consumed by fire; Upon the said Benjamin V Beckes producing to the said court satisfactory Testimony that the said money was so deposited and lost, and upon the said Benjamin V Beckes receiving credit as above directed by the court before the same shall operate as a final discharge he shall give to the said John D Hay a receipt for the amount he shall have received credit for from the court and file a duplicate of said receipt with the Court

This act to take effect from and after the passage  
 WILLIAM HENDRICKS *Speaker of*  
*the House of Representatives*  
 JESSE L. HOLMAN *President*  
*of the Council*

Approved 10<sup>th</sup> September

1814

TH: POSEY

AN ACT *to incorporate the Corydon Seminary*

Whereas it has been represented to this Legislature that Sundry individuals in Corydon and its Vicinity have by subscription built a schoolhouse in the Town aforesaid and that the proprietor thereof is willing to make a donation of one half acre lot on which the school house is built to the institution provided persons are by law appointed who and their successors will be capable of holding the same for the purposes of encouraging learning and useful information

Sect. 1. Therefore be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same, That Davis Floyd, George F Pope & R. M. Heth shall be and they are hereby appointed Trustees of the Corydon Seminary, and by the same name shall have perpetual succession and they and their successors at all times hereafter by the name of the trustees of the Corydon Seminary shall be persons able and capable in law of suing and being sued pleading and being impleaded answering and being answered unto in any Court of Justice whatsoever of having and using a common Seal and of altering the same at pleasure and the trustees for the time being or their successors, shall in law be capable of receiving any donation of land or other property whatsoever, to the use and benefit of said institution; Provided they nor their successors shall not hold more than five thousand acres of Land.

Sect. 2. and be it further enacted that the said Trus-

tees for the time being shall continue in office until the first day of May, which will be in the year 1815, that on the said first day of may 1815, and annually thereafter there shall be an Election for Trustees to the said seminary of Corydon, and it shall be the duty of the trustees for the time being and their successors in office to advertise at the Court House door, twenty days before the said first day of May 1815, and twenty days previous to the first day of May annually thereafter, that an election will (on the said first day of May then next ensuing) be holden at the Court house in Corydon for three Trustees to serve one year and on the day of election the said trustees shall take to their assistance three Citizens of the Town to assist in said Election in order to prevent fraud or collusion and the said Trustees aforesaid and three citizens so chosen shall appoint a Clerk or poll keeper and they shall then proceed to take the vote by Ballot, and every person who is or shall become a subscriber to the said institution shall be entitled to one vote and no more and after the Ballots are taken, the poll keeper shall in presence of the trustees and three citizens as aforesaid Count the Ballots and the person having the greatest number of votes shall be by the trustees and citizens declared to be duly elected, for one year then next ensuing.

Sect. 3. Be it further enacted, that the trustees for the time being, and their successors in office shall appoint one of their body a chairman and such other person as they may think proper Clerk to the said Board of trustees and the said Clerk shall keep a book in which shall be registered all proceedings of the said board of trustees and the said Trustees for the time being shall have full power and authority to pass any rule regulation or bye law for the well regulating of said seminary not inconsistent with the laws of this Territory or of the united States, and shall have power to employ one or more teachers in said Seminary provided that no particular

tenets of religion shall be taught in the aforesaid Seminary

WILLIAM HENDRICKS *Speaker*  
*of the House of Representatives*  
 JESSE L. HOLMAN *President*  
*of the Council*

Approved 9<sup>th</sup> September 1814

TH: POSEY

AN ACT *supplementary to the act entitled an act for the regulation of the Town of Charleston.*

Sect. 1. Be it enacted by the Legislative Council and House of Representatives of the Indiana Territory, and it is hereby enacted by the authority of the same That the Trustees of Charleston shall have power and authority to levy and collect a Tax of fifty Cents annually of each and every free white male inhabitant above the age of twenty one years, and who has resided in said town six months previous to the assessment of said tax, and holds no property subject to taxation by the said Trustees.

Sect. 2. Be it further enacted that the said Trustees of the town of Charleston shall have power and authority to appoint a supervisor of the highways who shall superintend the cleaning out and keeping in repair the streets and allies of said Town, and the Citizens of the said town who are subject to work on the publick highways, shall under the direction of the said supervisor so appointed attend to cleaning out and keeping in repair the said streets and allies of said town under the same rules and regulations as other supervisors of the highways and Citizens within their respective bounds are subject to by the laws of this Territory

WILLIAM HENDRICKS *Speaker of*  
*the House of Representatives*  
 JESSE L. HOLMAN *President of*  
*the Council.*

Approved 10<sup>th</sup> September 1814 TH: POSEY

## AN ACT to incorporate the Borough of Vincennes

Sect. 1. Be it enacted by the Legislative Council and House of Representatives, that such parts of the Town of Vincennes as are contained within the following limits and boundaries, that is to say, by the plantation of William Henry Harrison on the North East; The Church lands on the southwest; The River Wabash on the North West, and the lines of the commons as laid out for the inhabitants of Vincennes in pursuance of an act of Congress, on all the other parts and sides thereof, shall be and the same is hereby erected into a borough, which shall henceforth be distinguished known and called by the name of the Borough of Vincennes.

Sect. 2. Be it further enacted, that there shall be nine Trustees, to be appointed as hereinafer directed in the said Borough a majority of whom shall form a quorum; which said Trustees shall be a body Corporate in deed, fact and in name; by the name and style of the Trustees of the Borough of Vincennes, by the same name shall have perpetual succession, and they and their successors all times hereafter by the name of the Trustees of the Borough of Vincennes shall be persons able and capable in law to sue and be sued, plead and be impleaded in any Court of Justice whatever; and to make and use one common seal; and the same to alter and change at pleasure.

Sect. 3. Be it further enacted that the freeholders & householders within the said Borough shall meet at some convenient place in the same, on or before the first monday in February next or as soon thereafter as the said freeholders & householders shall convene for that purpose, and on the first monday in February annually thereafter, and then and there elect by ballot nine fit persons resident in the said Borough who shall be freeholders or householders in the same as trustees of the said Borough, and the said Trustees so elected shall hold their offices for and during the term of one year and no longer unless their places should not be filled up at the annual election, in which case the said Trustees shall continue in office



until their places are filled up by a special election to be held so soon thereafter as the electors in the said borough shall convene for that purpose—After the said board of Trustees shall be organised, it shall be their duty to advertise for at least ten days previous to any annual or special election, the time and place where such election is to be held, and in case the said board of Trustees shall neglect or refuse to advertise the same, then and in that case, any three of the freeholders in the said borough may advertise such election in manner aforesaid. Provided the Trustees elected as aforesaid, before they proceed to the exercise of the duties of their respective offices shall take an oath or affirmation, that they will faithfully discharge and execute such office according to the best of their knowledge and understanding.

Sect. 4. Be it further enacted that the said Trustees or a majority of them shall have full power from time to time and at all times hereafter to hold a common Council within the said borough as the chairman shall appoint and to make such bye-laws ordenances and regulations in writing not inconsistant with the laws of this Territory or of the United States as to them shall appear necessary for the good government of said borough and the inhabitants thereof; and the same to put in execution, revoke alter and make anew as to them shall appear necessary for the police of of said Borough, and for carrying this law into effect: and by ordenance to require such Sureties from the several officers of the corporation and to impose such fines for neglect of duty or misconduct in office as to them shall appear necessary; and to make limit, impose and tax reasonable fines against all and upon all persons who shall offend against the laws ordenances and regulations of the corporations made as aforesaid, and all and every such fine to take demand require & levy of the goods and chattels of such offenders to be appropriated to the use and benefit of the said corporation.

Sect. 5. Be it further enacted that the said Trustees shall elect their own chairman & also elect their own Clerk either out of their own body or otherwise and the

said Trustees shall have further power and authority to purchase ground and erect a market house in said borough, and make byelaws for the government and regulation thereof and they shall also have power and authority to make such bye laws as they may think necessary for widening repairing and cleaning the streets of said borough & shall have further power and authority to cause a survey to be made of the streets if necessary and to ordain as well what width or breadth they shall hereafter be of, as to prevent any person or persons from erecting any kind of building within the limits of the said streets as so ordered to be widened or extended and from enclosing any part thereof; provided that no buildings now actually erected shall, during the existance of such building be demolished or pulled down without the consent of the owner or paying an adequate compensation therefor to be estimated in such manner as by said bye laws shall be declared.

Sect. 6. Be it further enacted that it shall be the duty of the trustees to give publicity to their byelaws and all persons inhabitants of said Borough shall have free access to the said bye laws & shall have full liberty to peruse the same and take copies or such extracts therefrom as they may think proper.

Sect. 7. Be it further enacted that the bye laws so to be made and the proceedings of the said Trustees together with an account of the receipt and expenditures in detail, shall whenever thereto required be laid before either branch of the Legislature of the Territory or state as the case may be, requiring the same—

This act to take effect from and after the passage thereof

WILLIAM HENDRICKS *Speaker*  
of the *House of Representatives*  
JESSE L. HOLMAN *President*  
of the *Council*

Approved 6<sup>th</sup> September  
1814

TH: POSEY

## AN ACT to incorporate the literary society of Vevay.

Sec: 1.—Be it enacted by the Legislative council and House of Representatives, and it is hereby enacted by the authority of the same, That John Dumont, Daniel Dufour, Robert M. Troter, Elisha Golay, Philo Averil, John Francis Seibenthal and George Coggshell & their successors duly elected or appointed in manner hereinafter directed, be & they are hereby made, declared and constituted a body corporate or body politic in law & in fact to have continuance for twenty years from the passage hereof by the name, style and title of the Directors of the literary society of Vevay—And by such corporate name, style and title, shall be forever able and capable in law and equity to sue & be sued, plead & be impleaded, answer and be answered, defend & be defended in any court or courts or other places, & before any Judge or Judges, Justice or Justices or other persons whatsoever within this Territory or elsewhere in all and all manner of suits, actions, complaints, pleas, causes, matters and demands of whatsoever kind or nature they may be, in as full & effectual a manner as any other person or persons, bodies corporate or politic may or can do.—

Sec: 2.—Be it further enacted That the said corporation may take & receive any real property, sum or sums of money, goods and chattels or other effects of what kind soever, which shall or may be given, granted or bequeathed by any person or persons, bodies politic or corporate capable of making such gift, grant or bequest.—Provided they shall never receive either by donation, tax, gift, grant, bequest, or otherwise a capital exceeding ten thousand dollars, nor any other lands than what may be necessary for the use of a building to keep their library in; nor

shall they ever under the authority of this act issue bills of credit or in any other way enter into a banking policy, contrary to the true meaning and intent of this act.—

Sec: 3.—Be it further enacted That the said body corporate shall have full power to make, have, & use a common seal, & the same to break, alter and renew at pleasure—To appoint a Librarian, a Treasurer, & such other officers as they may from time to time deem necessary; To assign them their duties, fix their compensation, & remove them or either of them from office & appoint another or others in his or their place as often as they shall think fit. To make ordain, establish and execute such bye-laws & ordinances as may be deemed useful to the institution, and the same to alter, amend, or abrogate at pleasure; To fix the price of new shares; To direct how transfers shall be made & certified; To procure by purchase, rent or otherwise a suitable place for keeping the library of the society; To fill up vacancies that may happen in their own body between two annual elections; To levy and collect fines & forfeitures; & to determine upon, do & transact all business and matters appertaining to said society, agreeably to the rules, ordinances, and bye laws thereof, during their continuance in office. Provided that not less than a majority of the said directors be a quorum to do business; and that no rule or bye law be made repugnant to the laws of this Territory or of the United States.—

Sec: 4.—Be it further enacted That an election for seven directors of the literary society of Vevay shall be held on the first saturday of August in each year at such place as the directors may direct, previous notice whereof being given by the Librarian by three written advertisements posted

at three public places in the town of Vevay—  
And no person shall be eligible as a director or  
have a right to vote for a director who is not  
at the time of voting or being voted for a share-  
holder in the said society or who shall be in  
arrears to said society for any annual contribu-  
tion, fines or forfeitures; And all persons quali-  
fied to vote, may vote either personally or by  
proxy, by ballot—and the Directors duly elected  
as above shall be & remain in power for the term  
of one year, & untill new ones are elected.

Sec: 5<sup>th</sup> Be it further enacted That at the same time and  
place where the election is to be holden, the  
shareholders shall determine upon the Yearly  
contribution which is to be paid by each share  
for the year ensuing, which contribution or tax  
shall not be less than fifty cents, nor more than  
two dollars in any one year.

WILLIAM HENDRICKS *Speaker*  
*of the House of Representatives*  
JESSE L. HOLMAN, *President*  
*of The Council.*

Approved

August 31<sup>st</sup> 1814

TH: POSEY

AN ACT *authorising the erection of a bridge over Tan-  
ner's Creek in the vicinity of Lawrenceburgh.*—

Sec: 1.—Be it enacted by the Legislative Council &  
House of Representatives of the Indiana Ter-  
ritory, That Stephen Ludlow, Isaac Dunn,  
James Dill, George Weaver, Jacob Blasdall  
senr., David Reese and Elijah Sparks, or any  
five of them, be and they are hereby consti-  
tuted a board of commissioners with full power  
and authority to open, or cause to be opened  
books for receiving and entering subscriptions  
for raising a capital stock, not exceeding three



thousand dollars, in shares of fifty dollars each, for the purpose of erecting a bridge over Tanner's creek, at or near where the great road now crosses the said creek, between the Town of Edinborough, (laid out upon the land of Pinkney James) and the farm of Stephen Ludlow, and making such other incidental works, and defraying such other incidental expences, as shall be required by this act, or deemed necessary or expedient by the company hereinafter named; The time, place and manner of receiving and entering such subscriptions, to be ascertained by the said board of commissioners and duly advertised in such Gazette, as they may deem expedient: Provided That the time to be fixed upon by the said board of commissioners for opening books, for receiving the said subscriptions, shall be on or before the first monday in January next, and that no subscription shall be received, unless the sum of ten dollars be first paid into the hands of the person authorised by the said board to receive the same, on each share subscribed for.—

Sec: 2.—Be it further enacted, That whenever twenty of the said shares shall be subscribed for, all persons who may then be, or thereafter may become the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees of such subscribers, shall be and they are hereby made and created a body politic and corporate, by the name and style of "The Lawrenceburgh Bridge company," and by that name may sue and be sued, implead & be impleaded, & do and suffer all acts, matters and things which a body politic & corporate may lawfully do and suffer; and may have a common seal, and the same

may break & alter at pleasure, and may make all bye laws, rules, regulations & ordinances for the good government & well being of the said company, and for carrying into effect the object of their institution, so that such bye laws, rules, regulations, or ordinances be not repugnant to the Ordinance and laws of the United States, and the laws in force in this Territory.—

Sec: 3.—Be it further enacted, That when twenty of the said shares shall be subscribed for, as aforesaid, or as soon after as may be, the said board of commissioners shall call a meeting of the company at the Town of Lawrenceburgh by public advertisement in some one Gazette the most likely & best calculated in their opinion to give general notice, appointing a fit and convenient time and place in the said Town of Lawrenceburgh of meeting, for the purpose of electing five Directors, a Clerk & a Treasurer, & such other officers & agents as the said company may think fit to appoint, and for transacting any other business in pursuance of this act, & appertaining to the nature & objects of the institution of the said company; & the said board of commissioners, shall, if necessary, adjourn the said meeting, from time to time, untill a quorum shall be formed; and a majority of the said company, or the proprietors of two thirds of the number of shares, actually subscribed for, their legal representatives, successors or proxies, shall be a quorum to do business; and as soon as a quorum of the said company and a board of Directors shall be formed as aforesaid, all the powers, authority and duties whatsoever by this act vested in the said board of commissioners, shall cease and determine, & thence forward become vested in the

Directors for the time being, of the said company, under such limitations and restrictions as the said company may think fit to prescribe; and the said board of commissioners shall account to the said company, at the first meeting of the same, for all monies received by them or any person for them, on account of such subscriptions, & shall immediately pay over the same to the Treasurer of the said company, or to such other person or persons, as the said company may direct and appoint—The said company nevertheless to allow all just credits for monies actually and necessarily expended by the said board of commissioners, in the execution of their said trust and duties.—

Sec: 4.—Be it further enacted, that there shall be annually holden in the said town of Lawrenceburgh, on the first monday in September, a meeting of the said company, for the purpose of electing five Directors, a Clerk, and a Treasurer; and the said company shall have power at any meeting, legally called & constituted, in pursuance of this act, to displace any of their Directors or Officers, and to supply, by a new election or appointment all vacancies that may happen among the Directors or Officers of the company; and the said company shall have power to prescribe and regulate the powers and duties of the said Directors, and of all other officers of the company; and a majority of the said Directors may from time to time elect one of their body as a president, and may provisionally supply, by their own election, any vacancies that may happen among the number of Directors, or among any officers of the company, & the persons so elected by the said Directors, may continue in office 'till the next legal meeting of the company, and the Direc-

tors of the said company, to be elected in pursuance of this act, shall, unless sooner displaced by the said company, continue in office until the first monday in September next succeeding their election, and from that time until a new election shall be made by the said company—

Sec: 5.—Be it further enacted, That a meeting of the said company may, at any time, be called by a majority of the Directors of the company, for the time being, & by one third of the members of the said company, or by the proprietors of one third of the shares actually subscribed for, or the legal representatives or successors of such members or proprietors—Provided however, That no meeting of the said company shall be legal or valid unless a quorum shall be formed consisting of the majority of the members of the said company, or of the proprietors of at least two thirds of the number of shares actually subscribed for, their legal representatives, successors or proxies; nor unless the place (being within the Town of Lawrenceburgh) & the time of such meeting be previously advertised for three weeks successively in some one Gazette at the least, edited convenient to the said Town of Lawrenceburgh.—

Sec: 6.—Be it further enacted, That the said shares shall be negotiable and transferable from one to another by assignments in writing executed before two witnesses at the least, and authenticated, & registered, as the company may prescribe and direct in their bye laws and regulations.—

Sec: 7.—Be it further enacted, That in suits at Law against the said company, the first process shall be a summons to be served on the president or any one of the Directors of the said company; upon the service and return of which

summons the court shall proceed to trial as in other cases.—And if judgment shall be recovered against the said company, the court may order the usual process of execution, or a special writ to attach the money, goods, chattels, debts, choses in action and tolls in the hands of any officer of the said company, or of any other person, & such attachment shall operate on the tolls thereafter to be received, which may be collected by a person specially appointed by the court, for the use of the plaintiff recovering such judgment, until such judgment shall be satisfied; and the court may make such further other order for enforcing the payment of such judgment, as may be consistent with the practice and powers of such court of Law or equity, and if after execution shall have issued and the same is not replevied, or if after execution shall issue on a replevin bond and no property of the company shall be found to satisfy the execution in either of the last named instances, and the said execution shall remain unsatisfied for six months thereafter, the plaintiff shall be at liberty to execute the private individual property of the president & Directors of said company or either of them, and proceed to sell the same, agreeably to the laws respecting the sale of property taken in execution, until said judgment and costs are satisfied, and said President and Directors or whoever of them shall thus satisfy said judgment and costs, shall have the liberty to retain in his or their hands the tolls of said company thereafter to be received until he or they are repaid the amount of said execution, costs &c together with legal interest thereon, until the same is discharged; and that the shares in said company shall be deemed per-



sonal and not real property, and transferrable in such manner as the company shall direct; and the shares held by any individual shall be liable to be attached or taken by fieri facias to satisfy the debts due from such individual in like manner as other personal property may be.—

Sec: 8.—Be it further enacted, That the amount of each share shall be paid by instalments of ten dollars at such time as the said company shall direct, and in case any instalment or instalments shall not be paid at the time appointed by the said company, nor within thirty days after the time limited for the payment of the same, the President and Directors of the said company may proceed to forfeit, for the use of the company, the share or shares of the person or persons so failing to pay—Provided That notice of the time of the payment of such instalment or instalments be advertised for three weeks successively in the Gazette in which the proceedings and notices of the said company are commonly published, or in some other Gazette equally notorious & accessible to the members thereof.—

Sec: 9.—Be it further enacted that the said company be & they are hereby authorized and empowered to erect and build, or to cause to be erected and built, over Tanner's Creek, near Lawrenceburgh, in the county of Dearborne, at or near where the great road now crosses the said creek, between the town of New Edinborough (laid out upon the land of Pinckney James) and the land of Stephen Ludlow, a good and sufficient bridge at least sixteen feet wide of sound and suitable materials, and in all respects adequate for the passage of travellers, horses, cattle, & carriages, with a secure railing on each side at least four feet high.—

- Sec: 10 —Be it further enacted, That as soon as the said bridge shall be erected & built, & finished & completed as required by this act, the said company shall be entitled to demand & receive by their proper agents, servants or officers tolls at such rate as the court established in said county of Dearborn, to transact the business of the said county for the time being, may & shall from time to time fix agreeably to the laws regulating ferries.—
- Sec: 11 —Be it further enacted, That it shall be the duty of said company to keep posted up in some convenient place on the said bridge, where the toll is collected, a printed or written list of the rates of toll allowed by the said court; and for every day the same shall be neglected after reasonable time to have the same printed, they shall forfeit & pay Twenty dollars to be recovered before a Justice of the peace, by any person, who shall sue for the same—Provided nevertheless That the said company shall be at liberty to plead any matter in excuse or justification, to be judged of by said Justice.—
- Sec: 12 —Be it further enacted, That if any person or persons other than the said company, or their agents, shall pull down, deface, alter or destroy the said printed list of rates, he, she or they so offending shall upon conviction before a Justice of the peace forfeit and pay twenty dollars, one half to the informer & the other half to the use of the said company.
- Sec: 13 —Be it further enacted That if the number of twenty shares, shall not be subscribed within one year from the time of opening subscription books by the commissioners, as herein before directed, or if the said bridge be not erected & built & finished & completed as required by this act, within three years from and after the

first day of January next, or if it should remain at any time thereafter so out of repair for one year, as to be unsafe for travelling, then & in that case, all the powers, authority, privileges, emoluments & immunities whatsoever, shall cease and determine, and become absolutely forfeited.

Sec: 14 — Be it further enacted, That it shall be the duty of the said corporation, as long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair; and if, in neglect of their said duty, the said corporation shall at any time suffer the said bridge to be out of repair, so as to be unsafe, or inconvenient for passengers, the said corporation shall on conviction thereof by action of debt before any court of competent jurisdiction, forfeit and pay a penalty not exceeding Fifty dollars, at the discretion of the court and the costs of prosecution, one half to the informer & the other half to the use of said county, & shall moreover be liable to the action of the party injured thereby.

Sec: 15 — And be it further enacted, That in all elections to be holden pursuant to this act, each share actually subscribed, shall be entitled to give one vote, and no more.—

Sec: 16.—And be it further enacted, That the toll to be taken at the said bridge shall be receivable by the said corporation for & during the term of ninety nine years, to commence on the day when the said bridge shall be opened for passengers, after which time the said bridge shall be the property of the county of Dearborn, and the said corporation be dissolved—Provided That the said corporation shall at all times have power to dissolve itself, and thereby vest the property of the said bridge in The said county

of Dearborn—Provided nevertheless said corporation shall never be dissolved until they have paid all their debts—Provided also that the county of Dearborn shall have the privilege of purchasing the bridge, with all its appurtenances at a price not to exceed twenty five per cent on the original shares after the expiration of thirty years.

Sec: 17 —Be it further enacted That the said corporation, shall have no power to issue bills of credit payable to bearer, or in any other manner enter into any banking policy whatever.—

Sec: 18 Be it further enacted, That the court which shall hereafter transact the county business of said county shall have no power to stop, alter, vacate or discontinue any public road & common highway which is now opened in said county crossing the said Tanner's creek at any place near or below where the said bridge is proposed to be erected, unless two thirds of the Citizens of that part of said county which lies on the lower side of Tanner's creek shall petition therefor and give notice of their petition by public advertisement for at least two months, at the most public place in each township in said part of said county—any law, usage or custom, to the contrary notwithstanding.—

Sec: 19.—Be it further enacted, That if any toll keeper appointed by said company to receive the tolls of said bridge, shall demand and receive from any passenger, any greater or higher sum than shall be allowed by the court establishing the rates & tolls of said bridge for crossing said bridge, with any article of property, for which he is bound to pay a toll, or shall demand receive any toll from any person for any article of property which may be lawfully conveyed

over said bridge without toll, he she or they so offending shall for every offence be fined in a sum not exceeding ten dollars to be recovered before any Justice of the peace, or by information or indictment before any court to be held in said county with costs of prosecution, one half to the prosecutor, & the other half for the use of the county.—

WILLIAM HENDRICKS *Speaker*  
of the House of Representatives

JESSE L. HOLMAN *President*  
of the Council

Approved 6<sup>th</sup> September 1814

TH: POSEY

AN ACT to incorporate the farmers and Mechanics bank  
of Indiana

Sec 1<sup>st</sup> Be it enacted by the Legislative Council and House of Representatives and it is hereby enacted by the authority of the same That the President and shareholders of the farmers & Mechanics bank of Indiana, together with those who shall hereafter become shareholders in manner hereinafter directed shall be and they are hereby created and made a body corporate and body politic by the name style and title of the President and directors of the farmers and Mechanics bank of Indiana and shall so continue until the first day of January in the year of our Lord eighteen hundred and thirty five and by that name are hereby made able and capable in law to have purchase receive possess enjoy and retain to them and their successors in office lands rents tenements hereditaments goods chattels and effects of what kind nature and quality soever, to an amount not exceeding in the whole 750,000 dollars including the capital stock of said company and the same to sell grant demise alien alien or dispose of to sue and be sued plead and be impleaded



answer and be answered defend and be defended in courts of Record or any other place whatsoever and to make have and use a common seal and the same to break alter and renew at pleasure and also to ordain establish and put in execution such bye laws ordinances and regulations as shall be necessary and convenient for the good government of the said body corporate, and generally to do and execute all and singular the acts matters and things which to them shall appertain to do, subject nevertheless to the rules, regulations, limitations restrictions and provisions hereafter prescribed and declared.—

Sec 2<sup>nd</sup> And be it further enacted That the stock holders shall meet annually at the company's office on the first monday in January, and choose by ballot from among themselves thirteen directors who shall on the next day thereafter meet at the same place and elect by ballot a President out of their own body. The President and Directors so appointed shall continue in office one year; *Provided however*, That the first election of the above named officers, shall be held in the manner aforesaid, such times as the persons, hereinafter named to receive subscriptions, or a majority of them shall appoint for that purpose, and the officers thus chosen are regularly appointed

Sec 3<sup>rd</sup> And be it further enacted That it shall be lawful for any person, copartnership, or body politic, to subscribe for one or more shares, until the company is complete; the capital or joint stock of which, shall not exceed ten thousand shares, of fifty dollars each—shall be payable in manner following, towit. Five dollars of each share shall be payable in cash, at the time of subscribing, and five dollars thirty days after notice shall have been given by the commissioners, that one thousand shares have been subscribed for. And a failure to make such payment punctually, shall incur a forfeiture of all

that shall have been paid on each share; and such share or shares, shall be sold by the president and directors, for the benefit of the company; all further instalments to be paid in at the discretion of the President and directors—Provided that not more than five dollars on each share shall be required at one time, of which thirty days notice shall be given; and not more than three instalments shall be called for in one year on each share. In case of failure of such payment, all proceeds or dividends on such on such share or shares, shall be forfeited to the benefit of the institution, until three months after such payment be made

Sec 4 And be it further enacted, That the President and directors, four of whom shall be a quorum to transact business [the President always being one] shall open and continue their office in the town of Madison and shall have the sole management of the funds of the company, for the use and benefit of the stockholders, according to their respective interests therein. They shall have the power of filling any vacancies, that may happen in their bodies; from among the stockholders, and should any vacancy happen in the office of the President by death, resignation, removal or otherwise; the directors shall proceed as aforesaid to choose a new director, from among the stockholders, and shall then elect by ballot, a President from among their own body—and the officers thus chosen, shall continue in office until the next yearly meeting.—In case of the temporary absence of the President, the directors may elect a president for the time being and proceed to business

Sec 5 And be it further enacted, That the President and directors, shall have power to appoint a cashier, and all other officers and servants, for executing the business of the company respectively, which they may appoint, and which together with all necessary

expenses, shall be defrayed out of the joint funds of the company. They shall make full, fair, and regular entries, of all their transactions, in books, to be kept at the office of the company for that purpose; which shall be open at all times, for the inspection of the stockholders. They shall cause to be exhibited once in three years if required, a true report of the affairs, and situation of the company, together with a fair statement of all their accounts.

Sec 6 And be it further enacted, That as soon as one thousand shares shall have been subscribed for, it shall be the duty of the commissioners, to give public notice thereof, in one or more newspapers of this Territory, or any of the adjacent states, to the stockholders, and appoint such time and place, as they may think proper to meet, and elect 13 directors, who shall out of their own body choose a president And the President and directors, or a majority of the directors, shall have power to call a meeting of the stockholders, for the purposes relative to the concerns of the company, giving three weeks notice, in one of the newspapers of the Territory, or of any of the adjacent states, specifying in such notice, the object or objects of such meeting. And any number of stockholders, not less than twenty, who shall at the time, own two thirds of the capital stock, of the bank, upon application and refusal of the directors, shall have the power of calling a meeting, of all the stockholders, by giving the notice last above mentioned, and stating in such notice, the object of the call.

Sec 7 And be it further enacted That dividends of the profits of the company, or so much of said profits, as may be deemed expedient and proper, shall be declared half yearly, after the first day of January 1816 and not before, unless in the opinion of the President and directors, it may be thought advisable. The amount of said dividends, shall from time

to time, be determined by the President and directors, at a meeting held for that purpose, and shall in no case exceed the amount of the nett profits, actually acquired by the company, so that the capital stock of the company, shall not be impaired by dividends, but the directors shall be at liberty, to retain at least one per cent, upon the nett profits, for future contingencies. *Provided* That no part of the capital stock, shall be drawn from the funds of the company, by such dividends, until the year eighteen hundred and thirty-five

Sec 8<sup>th</sup> And be it further enacted, That in all general meetings, each stockholder, shall be entitled to one vote, for each share he shall hold to the number of twenty, every five shares above twenty and not exceeding fifty one vote, for every ten shares above fifty one vote. All stockholders shall vote at elections by ballot, or by proxy, (*Provided* such proxy be actually a stockholder) which proxy in all elections after the first shall be made in writing, under the hand and seal of the said stockholder, and attested by two or more witnesses. But no officer of the bank, receiving a salary, shall be permitted to vote as proxy for any stockholder.—

Sec 09 And be it further enacted, That the President and directors, or agents shall not exceed their engagements, to a greater amount, than twice the actual stock and deposits in the funds, nor shall any stock holder, be accountable or bound, in any case, by any engagement or contract, made by, or on behalf of the company, beyond the stock, he actually has in the funds.

Sec: 10 And be it further enacted, That if the President, and Directors, or agents or any of them do extend any engagement beyond twice the capital stock and deposits on hand as above, they shall be liable to the company for the same in their natural and private capacity; and shall besides be subject

to pay to the company a penalty not exceeding half the amount of such excess, or should they or any one of them appropriate any of the company's property to their own proper use or make any by means of the credit or paper of the company on private speculations such offenders shall pay a penalty of not less than three times the amount so made use of or purchased

- Sec 11<sup>th</sup> And be it further enacted That every person who shall subscribe for a a share or shares after payment shall have been made by a former subscriber shall be charged by the president and directors with such an advance, or be required to pay, their instalments at such times as will render their payments equal to those of former subscribers
- Sec 12 And be it further enacted That the directors shall receive no compensations for their joint services, but their actual expenditures while engaged in the business of the company shall be defrayed out of the joint stock
- Sec 13 And be it further enacted That until the first President and directors are chosen under this act as herein before directed, subscriptions shall be received by and under the direction of John Paul John McIntire John Ritchie Christopher Harrison Alexander A Meek Henry Ristine Nathaniel Hunt John Serring and Dawson Blackmore, and at such places in any county or any state and under the direction of such persons, as the above commissioners may appoint, whose duty it shall be respectively to deliver up to the president and and directors of the company, so soon as they shall have been chosen, in manner herein before prescribed, the subscription papers and the money that shall have been paid thereon
- Sec 14 And be it further enacted That one hundred and twenty five thousand dollars of the aforesaid capital stock shall be reserved for this Territory,



and shall be subscribed for at such time and times and by such person in its behalf as the Legislature may by law appoint. And as soon as the said Territory or state as the case may be, shall have subscribed for five thousand dollars of said capital stock, the Legislature shall be entitled to the appointment of one of the directors, and when a further subscription, to the amount of fifty thousand dollars shall have been made by the said Territory, or state, or any person in their behalf; the said Territory or state shall be entitled to the appointment of two directors; and when the whole amount reserved for Territory, shall be subscribed for, the said Territory or state shall have the appointment of three directors

Sec 15 And be it further enacted That the Legislature hereby reserve to the Territory, or the state as the case may be, the right to tax the capital stock of said bank when in their discretion, it may be thought proper

Sec 17 And be it further enacted, That if any shares in said bank, shall hereafter be subscribed for, on behalf of the Territory or state, or any loan or loans of money for the use of the Territory or state, shall be required, by, and on behalf of the Territory or state, such loan or loans, and such subscriptions, shall be regulated by, and conformably, to the rules, regulations, limitations and restrictions, as are prescribed, in the act, entitled an act, to incorporate the president and directors, and company of the bank of Vincennes

Sec 18 And be it further enacted, That the lands and tenements, which shall be lawfully held, by the said company, shall be such only as may be requisite, for its immediate accommodation, in the transaction of business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it, in satisfaction for debts previously contracted,

in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts.—

Sec 19 And be it further enacted, That said corporation shall not directly or indirectly, trade in any thing, except bills of exchange, gold, silver, or the sale of goods really and truly pledged for money lent, and not legally redeemed in due time, or of goods, which shall be the produce of its lands, nor shall said corporation, take more than six per centum, per annum on its loans or discounts.—

WILLIAM HENDRICKS *Speaker of  
the House of Representatives*  
JESSE L. HOLMAN *President  
of the Legislative Council*

Approved 10<sup>th</sup> September  
1814

TH: POSEY

AN ACT *to incorporate the President, Directors & company of the bank of Vincennes.*

Whereas it is represented to this Legislature That the establishment of a bank at Vincennes, upon principles which will afford adequate security for an upright and prudent administration thereof, will tend to give facility to the obtaining of loans for the use of the Territory if needed, and will be productive of considerable advantages in promoting and fostering our infant manufactories, encourage trade, enterprize & industry.—Therefore

Sec 1:—Be it enacted by the Legislative council and House of Representatives, and it is hereby enacted by the authority of the same, That a bank shall be established at Vincennes, the capital stock whereof shall not exceed five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, and that

subscriptions for constituting the said stock, shall on the first monday in October next be opened at Vincennes and at such other places in the Territory as may be thought proper, under the superintendence of such persons, as shall hereafter be appointed, which subscriptions shall continue open until the whole capital stock shall have been subscribed.—

Sec: 2—Be it further enacted, That it shall be lawful for any person, co-partnership or body politic to subscribe for such or so many shares as he, she, or they may think fit, not exceeding two hundred, nor shall there be more than ten shares subscribed for, in one day, by any person, co-partnership, or body politic for the first ten days after the opening of the said subscription; each subscriber shall at the time of subscribing, pay into the hands of the person appointed to receive the same, the sum of five dollars on each share subscribed for, and if any subscriber shall fail to make the second payment at the time appointed by the Directors for such payment to be made, shall forfeit the sum so by him first paid to and for the use of the corporation.—

Sec: 3—Be it further enacted, That all those who shall become subscribers to the said bank, their successors & assigns, shall be & they are hereby erected & made a corporation & body politic, by the name & style of the President, Directors & company of the bank of Vincennes, & shall so continue until the first day of October, one thousand eight hundred and thirty five, & by that name shall be and are hereby made, able and capable in law, to have, purchase, receive, possess, enjoy & retain to them and their successors, lands, rents, tenements, hereditiments, goods, chattels and effects of what kind, nature or quality soever to an amount, not exceeding

in the whole seven hundred & fifty thousand dollars, including the capital stock aforesaid, & the same to grant, demise, alien or dispose of, to sue, or be sued, plead & be impleaded, answer & be answered, defend and be defended, in courts of record or any other place whatever: & also to make, have and use a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish & put in execution such bye laws, ordinances, & regulations, as they shall deem necessary & convenient for the government of the said corporation, not inconsistent with the laws of this Territory, or the constitution— (For which purpose general meetings of the stockholders shall & may be called by the Directors in the manner herein after specified), and generally to do, perform & execute all & singular acts, matters & things, which to them it shall or may appertain to do, subject however to the rules, regulations, restrictions, limitations and provisions hereinafter prescribed and declared.—

Sec: 4—Be it further enacted, That for the well ordering of the affairs of the said corporation, there shall be twelve Directors, the first election for whom, shall be by the stockholders, by plurality of votes actually given, on such day as the persons appointed to superintend the subscriptions for stock shall appoint, by giving at least thirty days notice in all the public newspapers of the Territory, and those who shall be duly chosen at any election, shall be capable of serving as Directors, by virtue of such choice, until the full end or expiration of the first monday of March next ensuing the time of such election, & no longer—and on the said first monday in March, & on the first monday of March in each & every year thereafter, the election for Directors shall

be holden; and the said Directors at their first meeting after each election shall choose one of their number as President.

Sec: 5.—Be it further enacted, That in case it should happen at any time that an election for Directors should not be had upon any day, when pursuant to this act it ought to have been holden, the corporation shall not for that cause be considered dissolved, but it shall be lawful to hold an election for Directors, on any other day, agreeably to such bye laws and regulations as may be made for the government of the said corporation, and in such case the Directors for the time being shall continue to execute & discharge the several duties of Directors until such election is duly had & made, anything in the fourth section of this act, to the contrary notwithstanding—and it is further provided that in case of death, resignation or removal of any Director, the vacancy shall be filled by election, for the ballance of the year.—

Sec: 6—Be it further enacted, That the Directors for the time being shall have power to appoint such officers, clerks & servants under them as shall or may be necessary for executing the business of the corporation & shall allow such officers, clerks, or servants so appointed, a reasonable compensation for their services respectively, and the said Directors shall be capable of exercising such other powers & authority as may be necessary for the well governing & ordering of the affairs of the said corporation, not inconsistent with the laws & ordinances of the said corporation—Provided always That the following rules, restrictions, limitations, regulatings & provisions shall form and be fundamental articles of the constitution of the said corporation Viz: *First*, The number of votes to which each stock-



holder is entitled shall be in the proportions following, that is to say; for one share and not more than two shares one vote; for every two shares above two, & not exceeding ten shares, one vote; for every four shares above ten & not exceeding thirty, one vote; For every six shares above thirty & not exceeding sixty, one vote— For every eight shares above sixty & not exceeding one hundred, one vote; & for every ten shares above one hundred, one vote.—And after the first election no share or shares shall confer a right of suffrage on any stockholder, who shall not have been a stockholder, three months at least previous to the day of such election.—*Second*, None but a stockholder who is a Citizen of the Territory, shall be eligible to the office of Director.—*Third*, No Director shall be entitled to any other emolument, than such as shall be allowed by the stockholders at a general meeting—The stockholders shall make and allow a reasonable compensation to the President for his extraordinary attendance at the bank.—*Fourth*, not less than four Directors shall constitute a board for the transacting of business, of whom the President shall be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other Director who he may appoint, by writing under hand and seal for that purpose.—*Fifth*, any number of stockholders, not less than twelve, & who shall be proprietors of not less than forty shares, shall have power to call a general meeting of the stockholders for purposes relating to the institution, by giving at least thirty days notice in two of the most public newspapers of the Territory, & specifying therein the object of such meeting.—*Sixth*, Every cashier or Treasurer before he enters on the duties of his office, shall give

bond with two or more securities, to the satisfaction of the Directors in a sum not less than ten thousand dollars, conditioned for his good conduct & the faithful discharge of the duties of his said office.—*Seventh*, The lands and Tenements which it shall be lawful for the said corporation to hold, shall be such only as may be necessary & requisite for its immediate accommodation in the transaction of business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts.—*Eighth*, The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract shall not at any time exceed double the amount of monies actually deposited in the bank for safe keeping; and in case of excess the Directors under whose administration it shall happen, shall be liable for the same in their natural & private capacities, and an action of debt may be brought against them or any of them, their heirs, Executors, or administrators, by any Creditor or Creditors, but this shall not be construed to exempt the said corporation, their lands, tenements, goods, or chattels from being liable for and chargeable with the said excess.—Such of the said directors who may have been absent when the said excess was created or contracted, or who may have dissented from the resolution or act whereby the same was contracted, may respectively exonerate themselves from being so liable by forthwith giving notice of the fact and of their absence or dissent at a general meeting of the stockholders, which they shall have power to call for that purpose.—

Ninth, The said corporation shall not directly or indirectly deal or trade in anything except bills of exchange, gold or silver, or in the sale of goods realy & truly pledged for money lent and not legally redeemed in due time, or of goods which shall be the produce of its lands; neither shall the said corporation take more than at the rate of six per cent, per annum for or upon its loans or discounts.—*Tenth*—The stock of the said corporation shall be assignable and transferrable according to such rules as shall be instituted in that behalf by the laws & ordinances of the same.—*Eleventh*, The bills obligatory and of credit under the seal of the said corporation, which shall be made payable to any person or persons shall be assignable by endorsement thereupon in the same manner as that of any private person; and all bills or notes which may be issued by order of the said corporation, signed by the President & countersigned by the principal cashier or Treasurer thereof promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation shall be binding and obligatory in like manner & with the like force and effect as upon any private person or persons if issued by him or them in their private or natural capacity or capacities, and shall be assignable in like manner as if they were so issued.—*Twelfth*, Half yearly dividends shall be made of so much of the profits of the bank as shall appear to the Directors advisable, and once in every three years, the Directors shall lay before the stockholders at a general meeting, an exact & particular statement of the debts which shall have remained unpaid after the expiration of the original credit for a period of treble the term of that credit, & of the

surplus of profit, if any, after deducting losses, and dividends, the payment of the residue of the stock shall be made at such times and in such instalments as the Directors may order; provided that no instalment shall exceed twenty five per cent, on the stock subscribed for, & that at least sixty days notice be given in one or more of the public newspapers of this Territory; If there shall be a failure in the payment of any part of any sum subscribed, the party failing shall loose the benefit of any dividend, which may have accrued prior to the time of making such payment, and during the delay of the same.—

Sec: Be it further enacted That William Jones, Charles Smith, Wilson Lagoe, John D Hay and Nathaniel Ewing or any three of them, shall be commissioners for the purpose of receiving subscriptions, & who shall have power to appoint a person to receive the money, required to be paid, at the time of subscribing; and the said receiver shall as soon as the Directors are appointed, pay over the same into the hands of such person, as the said Directors may direct.

Sec: Be it further enacted That one hundred and twenty five thousand dollars of the aforesaid capital stock, shall be reserved for this Territory, & shall be subscribed for at such time or times, and by such person in its behalf as the Legislature may by Law appoint; and as soon as the said Territory or State as the case may be, shall have subscribed five thousand dollars on account of the said capital stock, they shall be entitled to the appointment of one of the Directors; & when a further subscription to the amount of fifty thousand dollars shall be made by the said Territory or State, as the case may be or any person in their behalf, the said Territory or State, as the case may be, shall then be

entitled to elect two of the Directors of the said corporation; & when the whole amount reserved for the Territory or State, as the case may be, shall be subscribed for, the said Territory or State, as the case may be, shall have the appointment of three of the said Directors.—

Sec: Be it further enacted That the Legislature hereby reserve to the Territory, or the State, as the case may be, the right to tax the capital of the said bank stock, when in their discretion it may be thought proper.—

Sec: Be it further enacted That the aforesaid corporation shall not be dissolved previous to the expiration of their charter, until all their debts, contracts, notes, bills of exchange, and undertakings in their corporate capacity shall be finally & faithfully settled. Provided also that after the expiration of their charter, they shall not transact business, according to the true intent & meaning of this act, further than to settle & close their contracts as above provided.—

Sec: Be it further enacted, That so soon as the books are opened for the subscription of shares of the said bank stock, the Governor may and he is hereby authorised to subscribe, on behalf of the Territory for fifty shares of said stock which shall be paid for by the Treasurer out of any monies due or hereafter to become due to the Territory from the different collectors of the Territorial revenue, when the same shall be paid into the Treasury, in preference to any other demand, & to pay the same accordingly. Provided nevertheless That no shares so subscribed for, or that may be subscribed for the benefit of the Territory shall forfeit under any pretence whatever, any thing in the second section of this act to the contrary notwithstanding.

Sec: Be it further enacted, That so soon as the bank



is organized & ready to do business, the president, Directors and company shall and they are hereby required to loan to the Territory at the usual interest and according to the rules of the Bank in that case to be established the sum of five thousand dollars as the same may be wanted or needed to defray the public expenditures of the Territory, and the Treasurer is hereby authorised & empowered to draw upon the Bank occasionally as may be necessary for paying such officers, & to audit warrants in favor of the President, Directors, & company of the said bank for the sums so drawn as the same may be required.—

Sec: Be it further enacted That the said bank shall loan to the Territory or State, as the case may be, in each & every year hereafter, so much money if required as shall amount to the whole amount of stock the Territory or State may hold in said Bank, for defraying the General expenditures of the Territory or State. Provided That the Territory or State shall in no year hereafter subscribe for more stock in said bank, than the amount of the revenue of the Territory or State for such year.

Sec: Be it further enacted that the Territory or State as the case may be shall not lose the benefit of any half yearly or other dividend on account of any failure, on the part of the Territory or State to pay up any instalment,—Provided all the instalments due in any year, on the shares of the Territory shall be paid up during the said year.

WILLIAM HENDRICKS *Speaker*  
of the House of Representatives  
JESSE L. HOLMAN *President*  
of the Council

Approved 10<sup>th</sup> Sep<sup>r</sup>. 1814

TH: POSEY



## APPENDIX II.

### MEMORIALS AND RESOLUTIONS

#### PASSED BY THE

#### INDIANA TERRITORIAL ASSEMBLIES

1809-1815

Resolutions pertaining solely to the legislature which passed them are not included. The resolution for the reappointment of Harrison, 1809, the resolution of appreciation of Harrison's services, 1811, the memorial for statehood, 1811, and part of the resolution on the organization of the legislature, 1809, are printed also in Esarey (ed.), *Messages and Letters of William Henry Harrison*. The memorial for statehood, 1815, is printed in Kettleborough, *Constitution Making in Indiana*, volume one.



## RUMP SESSION, 1809

### JOINT RESOLUTION: APPORTIONMENT, 1809

[Office of the Secretary of State, Indiana]

Resolved, by the Legislative Council and House of Representatives of the Indiana Territory, That hereafter the House of Representatives of this Territory, shall consist of nine members; three whereof shall be elected from the County of Knox, one from the County of Harrison, two from the County of Clark, and three from the County of Dearborn

Resolved further, that so soon as the Executive of this Territory may be officially informed upon the subject that he then proceed by his Proclamation to the Organization of a General Assembly in and for this Territory agreeably to the above apportionment.

GEN<sup>l</sup>. W. JOHNSTON *Speaker of  
the House of Representatives*  
THOMAS DOWNS *President*  
*Protem L. C*

Approved Oct<sup>r</sup>. 21<sup>st</sup> 1809

WILL<sup>m</sup> HENRY HARRISON

### JOINT RESOLUTION: DISSOLUTION OF LEGISLATURE, 1809

[Territorial House Journal, Oct. 21, 1809]

Whereas great doubts exist as to the constitutionality of the present Legislature's proceeding to do any Legislative act more than to apportion the members of the House of Representatives under the act of Congress extending the right of Suffrage to the Indiana Territory—And the said Legislature having made such apportionment.

Therefore be it resolved, that the Governor of the Territory be and he is hereby requested to Dissolve the present Legislature, and to proceed as speedially as may be to



organize another Legislature under the provisions of the said Act of Congress.

MEMORIAL: ORGANIZATION OF LEGISLATURE, 1809

[House Files: Presented 11 Cong., 2 sess., Nov. 22, 1809]

To the Senate and House of Representatives in Congress Assembled, the Petition of the Legislative Council and the members elected to serve in the House of Representatives Humbly Shew and Pray:

That from a careful review of the Law of Congress Dividing the North Western Territory, The Ordinance for the Government of the Indiana Territory, The law of the Territory regulating Elections, and the law of Congress extending the right of suffrage to the Citizens of the Indiana Territory, we find that considerable doubts exist in the minds of a minority of your Petitioners with respect to the constitutionality of the meeting of the General Assembly of this Territory—Your Petitioners state that in the year 1805 there was a Legislature Organized under the first above mentioned Law dividing the Territory North West of the River Ohio, that on the 26<sup>th</sup> day of October in the year 1808. the Governor dissolved the said Legislature. On the            day of            in the year 1809. the Law of Congress passed dividing the Indiana Territory. And that on the 4 day of April 1809. the Governor of the Territory issued his Proclamation for the election of the additional members to the House of Representatives. Also on the            day of            1809. the law passed extending the right of suffrage to the citizens of Indiana Territory & declaring how the legislature shall be formed after the Passage of the said Law that is the General Assembly should apportion the members to the House of Representatives to consist of not less than nine nor more than twelve. this law was evidently predicated upon the principle that a legislature was in existance at the time of its passage or that a Legislature might be convened under the authority of the Governors Proclamation, but the fact was different for the old Legislature was

doubly dissolved (if the expression may be allowed) first by the Governor as above stated, secondly by the division of the Territory which struck off three members of the House of Representatives & two of the Legislative Council, thus there was no legislature in being to make the apportionment agreeably to the said act of Congress

Now the principal doubt that exists in the minds of your petitioners is how the Old Legislature was to be brought into being so as to organise the new legislature under the act of Congress as above stated. on the first Monday of April 1809. the Governor by his Proclamation directed an election to be held for members to the House of Representatives, at which election there were four members elected, to wit, two in the County of Knox, one in the County of Dearborn and one in the County of Clark. on the 4<sup>th</sup> of April 1809. (Six days before the above law of Congress arrived here) the Governor issued his writs of election for an election to be held on the 22<sup>d</sup> of May for five Councillors & four more Representatives, having himself made the apportionment, he gave an additional member to the County of Knox, one to the County of Dearborn, one to the County of Clark, & one to the new County of Harrison, making in the whole only eight members in the House of Representatives, under these dubious circumstances the Governor issued his Proclamation, convening on the 16<sup>th</sup> of the present month the members of the Legislative Council elected as above stated, and the members elected as aforesaid to serve in the House of Representatives. Agreeable to the aforesaid Proclamation the Legislative Council & the members elected to the House of Representatives convened and the minority of the House of Representatives, not conceiving themselves authorised to go on to Legislative business, the Legislature agreed to postpone doing any business in a Legislative capacity, except apportioning an additional member to make up the number nine agreeably to the said Act of Congress extending the right of suffrage to the citizens of this Territory. From this view of the subject your

petitioners Humbly pray that a law may be passed legalising the above apportionment so that a Legislature may be organised under the present law of Congress extending the right of suffrage to Indiana, so soon as the Governor of the Territory may be officially informed of the same or if Congress should doubt of their authority to legalise the above proceeding upon the ground of the law's having an Ex post facto operation, then to pass a law authorising expressly the Governor to organize the Legislature upon any plan which to them may seem proper

Resolved, that three Copies of the foregoing memorial be made out by the Clerk, to be signed by the Speaker of this House and by the President of the Legislative Council, one of which shall be forwarded to the Speaker of the House of Representatives of the United States one to our delegate in Congress and the other to His Excellency the Governor of this Territory.

Done in General Assembly

21 October 1809.

GEN<sup>L</sup>. W. JOHNSTON *Speaker*  
*of the House of Representatives*  
 THOMAS DOWNS *President*  
*Protem L C*

JOINT RESOLUTION: REAPPOINTMENT OF HARRISON, 1809

[Senate Files, Library of Congress]

In General Assembly of the Indiana Territory

Whereas from the Collision of laws & other circumstances, doubts are entertained by the minority of the Legislature on the Constitutionality of its organization and the Majority from a Spirit of conciliation having thought it most prudent not to proceed to any other act of Legislation, than the apportionment of their members under the last act of Congress, but from a knowledge of the wishes of their constituents by Petitions, as well as from other sources of information and from a wish to express their own Sentiments on the Crisis in their Government, which is now approaching, viz. The appoint-

ment of Governor of our Territory, whilst they are anxious to avoid the appearance of inconsistency by doing any Act, which might bear the shadow of a Legislative act they cannot forbear from recommending to & requesting of the President and Senate, most earnestly, in their names & the names of their constituents, the reappointment of our present Governor William H. Harrison Because they are sensible he possesses the Good wishes & affection of a great majority of his Fellow Citizens, because they believe him sincerely Attached to the Union, the prosperity of the United States, and the administration of its Government, because they believe him in a Superior degree capable of promoting the Interest of our Territory from long experience and laborious attention to our general concerns, from his influence over the Indians, and his wise & disinterested management of that Department, and because they have confidence in his virtue, talents & Republicanism. Therefore, they earnestly request the concurrence of the members of the Council to this recommendation

Resolved, That three Copies of the above remonstrance be made out by the Clerk, which shall be signed by the speaker of this House & by the President of the Legislative Council, one whereof Shall be by the Speaker forwarded to the President of the United States an other to the President of the Senate of the United States & the other to our Delegate in Congress.

GENL W. JOHNSTON *Speaker*  
*of the House of Representatives*  
THOMAS DOWNS *President Protem*  
*of the L C*

THIRD ASSEMBLY, FIRST SESSION, 1810

JOINT RESOLUTION: ELECTION OF SHERIFFS, 1810

[House Files: Presented 11 Cong., 3 sess., Jan. 2, 1811]

Whereas it is a vital principle in Republican Governments that the people are the fundamental source of all offices of honor trust and profit, and that all officers should be made amenable for their conduct to that source from which their honor or profit is derived, And Whereas the office of Sheriff form a grievous exception to this Republican principle in as much as the people hold no elective check or control over said officer

Therefore Resolved

By the Legislative Council and House of Representatives That our Delegate in Congress be and he is hereby instructed to procure the passage of a law authorising the people of this Territory to elect all their sheriffs in all the Counties of said Territory; and that the President of the Council be and he is hereby directed to forward to a copy of this Resolution to Jonothan Jennings our Delegate in Congress

DENNIS PENNINGTON *Speker*  
*of the House of representatives*  
JA<sup>s</sup>. BEGGS *President*  
*of the Legislative Council*

MEMORIAL: DONATION OF LAND FOR CAPITAL, 1810

[House Files: Presented 11 Cong., 3 sess., Jan. 7, 1811]

The Legislative Council and House of Representatives of the Indiana Territory, To the Honorable the Senate and House of Representatives of the United States

Your memorialists, under a firm persuasion of the parental disposition of your Honorable body towards their infant country, are too much concerned for the prosperity of the General Government, to ask what, in



their opinion, your duty as faithful guardians of the public interest would forbid you to grant. With these assurances, they beg leave to represent that by the late extinguishment of Indian title, you have it in your power in an eminent degree, to confer on this Territory a lasting good, which will be gratefully acknowledged without ulterior injury to the revenue of the United States, whilst the object of the purchase will be thereby more speedily realized.

In consequence of the late division of the Territory, the present seat of our Government is not only thrown out of the center of population, but is on one edge of its Geographical limits. With a view to its removal, which has now become necessary, your memorialists have discovered from an inspection of the map of the Territory, a knowledge of the position of the several Indian Tribes, and the probable direction of future extinguishments of Indian title, and of future settlements, that a position which will for a great number of years be central both as to extinguished title and of population is to be found within the bounds of the tract ceded to the United States, by the late Treaty of Fort Wayne. These lands may become in a short time a source of considerable income: to the General Government. Every inducement to purchase and adventitious circumstances to make them more eagerly sought after must necessarily expedite their sales and enhance their value, without which they may remain for a length of time of nominal value only. A donation of such a portion of this Country as your honorable body may deem reasonable, will enable our Government in a short time to erect the public buildings, relieve the people from a considerable burden, shut the door to private speculations, and protect us from the unhappy dissensions, to which the fixing a permanent seat of Government will always give rise. That which is now a wilderness, will shortly be converted into cultivated fields, then, the industrious and wealthy farmer far and near will seek it for their place of residence, and then, will these lands

by the number of competitors in the market, at an increased value, fill your coffers. Without these inducements to their settlement, for a length of time, they will be thinly inhabited, (perhaps with a few exceptions) by a poor and needy class of emigrants, unable to purchase, and that accumulation which the Treasury might quickly receive from their sales at an advanced price, would be procrastinated and diminished.

The circumstance of this tract of Country being unbroken upon by purchasers and still the property of the United States added to the considerations which have been offered, induced the Legislature to pass an act appointing commissioners to fix on a proper site for the permanent seat of Government within the bounds of the Embarras fork of White River, the main fork of White River the boundary line of the new purchase, lately ran by John M<sup>c</sup>Donald and a line which shall be parallel to the latter and at not more than twenty miles from it— Provided that the said location or part of it, may be made on the north west bank of the main fork of White River, or on the South East bank of the Embarras fork of it. This act has been passed from a sense of the Justice, the liberality and wisdom of your honorable Body, but becomes a nullity should you not think proper to grant the prayer of our petition—And your memorialists as in duty bound &c. &c.

GN<sup>l</sup>. W. JOHNSTON *Speaker  
of the House of Representatives*  
JA<sup>s</sup>. BEGGS *President of the  
Legislative Council*

MEMORIAL: ESTABLISHMENT OF A LAND OFFICE, 1810

[House Files: Referred to Committee, 11 Cong., 3 sess.,  
Jan. 21, 1811]

To the honourable the Senate and House of Representatives of the United States in Congress assembled, the memorial and petition of the Legislature of the Indiana Territory—

Your memorialists beg leave most Respectfully to Represent, that by a Compact entred into between the united States and the State of Ohio, it was agreed that the latter should Receive three percentum on the produce of the sales of the United States land in said State in Lieu of a certain concession made by the said State in favour of the purchasers, Viz That the said purchasers should be exempted from taxation by the said State of Ohio for five years Succeeding the purchases

That part of the Indiana Territory lying between the General boundary line established by the treaty of Greensville and the boundary of the State of Ohio, has been attached to the district of Cincinnati Since the first creation of Said Territory—and by a late law that part of the purchase lately made at Fort Wayne which adjoins the said Indian boundary is also attached to the same land office, that by this means a part of their constituents have for several years paid a considerable sum which is entirely appropriated to the use of the citizens of said State. And that by the annexation of the part of the of the late purchase above described to the Cincinnati office this Grievance (as the consider) is perpetuated and extended.—

That your memorialists with the most perfect Reliance on the disposition of the National Legislature to do Justice to all beg leave to recomend as the best mode, of remedying the evil above complained of, that a land Office for the Sale of that part of the public land lying within the Indiana Territory—which are now annexed to the Cincinnati land office be established at the town of Brooksville at the forks of White water and that there be also added to it that part of the Jeffersonville district which lies east of the line dividing the Eleventh and Twelfth ranges.

Your Petetioners beleive that if this Arrangement should be effected it will promote the public intrest and convenience to the purchasers. The Town of Brooksville being central as to the proposed district and equally con-

venient to the State of Kentucky that of Ohio and to the emigrants decending the Ohio River

GN<sup>r</sup>. W. JOHNSTON *Speaker  
of the House of Representatives*  
JA<sup>s</sup>. BEGGS *President of the  
Legislative Council*

MEMORIAL: RELIEF TO LAND PURCHASERS, 1810

[House Files: Presented 11 Cong., 3 sess., January 21, 1811]

To

The Honorable

The Senate & House of Representatives of the United States.

The Memorial and Petition of the Legislative Council & House of Representatives of the Indiana Territory

Your memorialists beg leave respectfully to approach your Honourable body to lay before you the unhappy situation of many of their Constituents who having become purchasers of lands from the United States with the intention & prospect of complying with all the stipulations contained in their several contracts have now found themselves reduced to the necessity of asking for a mitigation of those conditions which being at all times sufficiently severe are now rendered impossible to be complied with from the operation of causes over which they could have no controle and which it was impossible to foresee. Upon recurring to the circumstances which have produced a scarcity of money in the Western country and a consequent inability of many to comply with their engagements, your Memorialists mention with some reluctance the laws for laying a General Embargo, because those laws have always had their warmest approbation and support as being eminently if not alone calculated to secure from the lawless grasp of the Tyrants of Europe an immense and unprotected property, but to make them feel also by withholding the accustomed supplies, that if the commercial intercourse between us was necessary for

our prosperity, it was inseparably connected with their existence.

But however favorable your Memorialists and their Constituents might have been to the Embargo as a measure of General policy its operation has nevertheless been peculiarly hard upon that portion of the latter for whose relief the present application is intended. It is believed indeed that without the interfrance of your Honourable body, no part of your fellow Citizens will have suffered as much in proportion to their property. If others have lost a part of the produce of their lands or have obtained for it less than the customary price they for whom your memorialists petition are in danger of loosing the very farms upon which they live. If others have suffered temporary inconvenience for the want of the means of satisfying their creditors those for whom your memorialists interest themselves are in danger of seeing by a most summary process, their houses and improvements made under so many discouragements sold over their heads and their families once more turned into the wilderness. A large proportion of the Debtors of the United States within this Territory who have, or who are likely to become defaulters, have depended for the payment of their instalments on remittances from their former residences in one of the States, but the great scarcity of money & the obstructions which some of the states have interposed to the collection of debts have disappointed their best grounded expectations, and the approach of the period when the last instalment will become due is viewed by them with the greatest anxiety when they recollect that those which have passed are still unprovided for and that every neglect of payment brings with it a very considerable addition to the original debt. Your memorialists would be very far from arraigning the justice of the National Legislature but they must beg leave most respectfully to observe that the propriety and policy of that provision in the land laws which exacts a back interest from the commencement of the purchase



upon every instalment that is not regularly paid has to them never been made apparent. If it is intended as the means of ensuring punctuality, your Memorialists are convinced that no such effect has ever been produced by it. The instances of lands being purchased at the public land offices in this Territory for the purpose of speculation rarely if ever occur, the entries are generally made by persons who become actual settlers, and who never fail to pay as much of the purchase money down as they can possibly command, and are ever anxious to meet if not to anticipate the other instalments. To do otherwise there could be no possible motive in this country and with the class of people to whom the purchases are generally confined. A purchaser of the public lands who resided in one of our large commercial cities where opportunities for the employment of money that promise greater advantages than simple interest daily occur might perhaps be induced to suffer the periods at which the instalments become due to pass without payment—but in our section of the Union such instances seldom present themselves nor could the *resident* purchaser of the public lands want any other motive to make his payments punctually than those which the laws would contain if the provisions imposing the back interest were entirely stricken out. It operates indeed almost exclusively upon the poor & unfortunate and your memorialists conceive that the advantages which the public Treasury derives from this unpopular provision by receiving a larger sum from some particular tracts would be more than balanced by an increase of sales should it be abrogated. Many are the difficulties which attend the emigration to and the settlement of a family in the western country—the calculations for the purchase of provisions & necessaries until they can be produced by agriculture are almost always deficient—The fund set apart for the purchase of land is broken upon to satisfy more imperious wants and the disappointments & vexations created by the neglect the treachery & injustice of distant agents and Debtors fre-

quently defeat their most sanguine hopes of paying for their lands. Even the circumstance of obtaining remittances from a distant state between which & the Territory there is no commercial intercourse is a matter of difficulty to all but to an ignorant and illiterate man truly formidable. A personal visit to the country from which he emigrated appears to such a one as the most safe & eligible plan—But as his labour at home is necessary for the support of his family his departure is procrastinated as long as possible and the least delay from sickness or any of those accidents which are so likely to occur upon a long journey postpones his return until the day of payment is past & a very considerable back interest is the penalty of an inevitable misfortune.

With regard to those and they are not a few who expected to be able to pay for their lands from the sale of the produce of their farms at New Orleans—your Memorialists beg leave to observe that for the last two years the prices at that market for such commodities as they were enabled to supply it has been so low as totally disappoint the expectations of those who depended upon it. And even at this time when our foreign relations begin to wear a brighter aspect their renovated hopes are blasted by one of those dispensations of providence which are sent to teach men humility & a dependance upon his creator. The principal export from the newly settled parts of the western country is Pork and the sustenance of the swine is principally derived from the forests, the fruits of which in common seasons affords them a most ample supply, but the present season presents to the farmer the most gloomy prospects produced by the entire failure of the mast and a crop of corn so unusually short as to deprive them of all prospect of preparing their animals for market but at an expence which even the contemplated additional price will not warrant.

Your Memorialists having thus laid before your Honourable body a true picture of the situation of many of their constituents must leave it to your humanity and

benevolence to apply the remedy. In the full confidence that it will be such as a wise Legislature shall grant to a faithful patriotic & industrious people. They will however beg leave to recommend that the clauses of the land law imposing interest on the several instalments that are not punctually paid from the date of the purchase be repealed and that interest only should be required after the Instalments shall become due—That all the back Interest which may have heretofore accumulated on any instalment be given up by the United States and that a further time of two years..... be allowed before the land shall be forfeited.

Resolved, that four Copies of the present Memorial be made out by the Clerk of the House of Representatives which shall be signed by the Speaker of the House of Representatives and by the President of the Legislative Council, one of which shall be forwarded by the Speaker to the President of the United States, one to the President of the senate, one to the Speaker of the House of Representatives of the United States & the other to our Delegate in Congress.

GN<sup>L</sup>. W. JOHNSTON *Speaker  
of the House of Representatives*  
JA<sup>S</sup>. BEGGS *President of the  
Legislative Council*

JOINT RESOLUTION: EXTENSION OF SUFFRAGE, 1810

[House Files: Presented 11 Cong., 3 sess., January 24, 1811]

Whereas that part of the Ordinance of Congress for the Government of the north western Territory, which confines the right of suffrage to freeholders is liable to serious objections.

In as much, as it militates against the first principles of the social compact wherein every member of the community is a party.

As it is predicated upon the gratuitous assumption that property and property alone can secure our attachment

to our Country, whereas it is a fact that men instinctively feel a strong affection for the Country where they first drew their breath, which is increased in ratio of the degree of liberty and happiness they enjoy therein, and is further strengthened by their habits, the bonds of consanguinity & friendship and a thousand endearing ties—

Dastardly indeed must be the patriotism of those who measure it by the greater or less value of their property, and little to be relied on where the interest of their Country call forth the exertions of their virtue, their wisdom or their courage.—As it supposes the poor are more liable to corruption than the rich, when daily experience evinces that cupidity increases with the means of gratifying it, and numberless acts of disinterestedness take place in the humble walks of life; which for not being blazoned forth amongst the more fashionable and fortunate are not the less true, the less to be admired, the less calculated to inspire confidence.—As such an invidious distinction divides society into two classes unavoidably inimical to each other, the proprietors basely proud of their possessions and the non proprietors entertaining sentiments of indifference towards a country placing in them no confidence, affixing on them a stigma of reprobation. Hence feuds, discontents attempts at innovation and all the evils which it was intended to prevent.—As it increases the already too irresistible influence of riches, directing all the actions of men towards the acquirements of property as an easy and sure means of distinction, checks the inclination to more noble pursuits and renders the honorable poverty and magnanimous disinterestedness which produces in Greece and Rome so many acts of exalted patriotism, examples more fit to be avoided than admired. Hence sordid pursuits and all their concomitant evils.—As it supposes that the Freeholders has an exclusive possession of virtue and talents, whereas we daily see the mechanics seldom inferior to their employers and the tenant in every circumstance save only the freehold the equal of his Landlord.—



As it leaves defenceless and excludes from any share in public concerns a numerous class of citizens whose habits of industry & economy form no uninteresting part of our means of prosperity, and who in the hour of danger are seen to fly with alacrity to the defence of their country and fill the ranks of our Legions without the incitement of commissions, high salaries or military honors.—As it degrades a portion of the community which it ought to be the constant aim of wise institutions to exalt. By treating men with respect they are taught to respect themselves.—As such a system has a tendency to demoralize and corrupt the mass of the people, by the multifarious acts of knavery it produces and which prohibitory laws will in vain attempt to restrain. Candidates and voters lose equally sight of the honorable path of rectitude, and unsound must be the fruit of the Tree of which a canker corrodes the root—It is an humiliating remnant of the fœdal system which denied the rights and almost the faculties of men to all except the proud Land holder, which cannot be adapted to our circumstances and manners without the most palpable inconsistency.—

In the application of such a principle to practice all is vague indefinite and liable to fluctuation, shall it be a few logs laid horizontally on one another which will invest a man with respectability and entitle him to the confidence of his country? or a property of one or more hundred acres, shall it be as many thousands &c.

Who can say where those ludicrous variations will terminate and whether by future contractions of the right of voting the rich may not ultimately be put in possession of all the powers of Government

RESOLVED Therefore by the Council & House of Representatives of the General assembly of the Territory of Indiana that our Delegate in Congress be and he is hereby instructed to use his utmost endeavours to obtain from Congress such a modification of the Ordinance for the Government of this Territory as will extend the right of



voting to all the Citizens thereof of the age of twenty one years and upwards who may have paid either a county or Territorial tax previously to any general election

Resolved that the President of the Council do transmit this resolution to our Delegate in Congress—

DENNIS PENNINGTON *Speaker*  
*of the House of representatives*

JAS. BEGGS *President of*  
*the Legislative Council*

THIRD ASSEMBLY, SECOND SESSION, 1811

JOINT RESOLUTION: APPRECIATION OF HARRISON'S  
SERVICES, 1811

[Territorial House Journal, Dec. 2, 1811]

To His Excellency

William Henry Harrison

Governor and commander in Chief in and over the  
Indiana Territory

When in the course of human events it becomes necessary for a Nation to unsheath the sword in defence of any portion of its citizens—and any individual of society becomes entrusted with the important charge of leading the army of his country into the field to scourge the assailants of its rights. And it is proved by the success of their arms that, that individual possesses superior capacity accompanied by integrity and other qualities of the mind which adorn the human character in a superlative degree—It has a tendency to draw out the affections of The people in a way that must be grateful to the soldier and the man—such is the high sir in which you have the honour to be viewed by your Country and one which the Legislative Council and house of Representatives of the Territory Think you Justly entitled to

And sir in duly appreciating your services, we are perfectly sensible of the great benefits & important services rendered by the officers & soldiers of the United States infantry under your command and it is with pleasure we learn that the officers & militiamen of our country acted with an heroism more than could be reasonably calculated upon from men (such as they generally were) undisciplined and unaccustomed to war

Resolved that a joint committee attend to the insertion of the foregoing address in the Western Sun for one week

## MEMORIAL: RELIEF TO WIDOWS AND ORPHANS, 1811

[Territorial House Journal, Dec. 9, 1811; presented in Senate, 12  
Cong., 1 sess., Dec. 27, 1811]

To the Senate and house of Representatives of the United States—The memorial of the Legislature of the Indiana Territory most respectfully sheweth

That it is with regret that we observe that mankind generally hail the hero and rejoice at the success of the arms of their country without considering the dread calamity created by the shed blood of those that have fallen in the Battle, and whose fall and death was necessary to the purchase and security of the object that induced the nation to the contest. But whilst with patriotic feelings we approve and bestow a willing tribute of praise upon the troops whose lives have been Jeopardized in the late action with the Indians under the influence of the shawny prophet we still look farther and with feelings that cannot be entered into by those distant from our Territory express our sorrow for the fathers and the husbands who have died by the savage hands of the enemies of our country—

But when involuntarily we are carried to consider the inconsolable wife, The distressed mother and the weeping child—who but yeasterday fate appeared to open prospects of a superier destiny to its neighbour, now in a state soon to be rend from the maternal bosom—very soon to act in a menial capacity probably to those whose hearts know but little of genuine sympathy—this is a situation that with the feeling man must force the tear of compassion. Some of the citizens of our country who by their hard earnings had Just acquired sufficient to enter and pay the first instalment on a quarter section of land and made a small improvement thereon have died in the battle—and to add to their distress the land must revert to the United States, and the widow and the orphan must be forced from an abode dear to them by the remembrance of him who toiled for it and who was once known by the endearing names of husband and father—

Such must be the case if the government do not interfere in thier behalf. Our country presents so many scenes of distress but not more than must reasonably must be expected as the natural concometants of so desperate and bloody a battle. That we recommend and entreat that the national legislature may make some ample provision for the unfortunate. Also that a donation be given to each individual in the army. It is a provision that in our opinion they are Justly entitled to and which would have the effect in future to encourage the soldier and the citizen to turn out when a call from his country en- vited whilst it would endear a country to its citizens that shew such willingness to releive distress and to patronize its supporters

We therefore solicit and most earnestly wish that at least one quarter section of land be granted to every private in the army lately commanded by his excellency William Henry Harrison against the shawny prophet and his confiderates and to each and every officer and non commissioned officer in proportion and those their heirs or assigns as the case may be entitled to such donation shall have the liberty to enter the same in the land office of the Indiana Territory, where the donee may think fit—and the legal evidence of such claim be received as final payment. Not doubting but that your highly honorable body will adopt measures to bestow upon those on Har- rison's campaign an ample reward we with proper deffer- ence submit to your better consideration

Resolved that four copies of the foregoing memorial be made out by the Clerk of the house of Representatives which shall be signed by the speaker of the house of Rep- resentatives and by the president of the Legislative Council one whereof shall be by the said speaker transmitted to the honorable the president of the United States, an other to the president of the senat of the United States, an other to the speaker of the house of Representatives of the U. S and another to our delegate in congress

## MEMORIAL: STATEHOOD, 1811

[Territorial House Journal, Dec. 11, 1811; presented in Senate, 12 Cong., 1 sess., Dec. 31, 1811]

To the senate and House of Representatives of the United States The memoreal of the legislature of the Indiana Territory most respectfully sheweth

That the inhabitants of the said Territory suffer evils from the nature of their political institutions to which it becomes their imperious duty to seek a constitutional remedy—When an interesting portion of the american peopulation unite in forming a wish for an important change in their political situation it may be fairly infered that no paliatives can lessen the evis they endure; and it is an happy circumstan[ce] that the redress which is the object of the present memorial to obtain has been foreseen provided for and will excite in its accomplishment neither convulsion nor storm; your memorialists will not arraign the wisdom of congress in forming the ordinance for the government of the Northwestern Territory, they may have had solid reasons for giving to the Territory or colonial governments the singular monarchical shape they now exhibit But it will be allowed that all those governments present features very little reconcilable to the principles which have governed the institutions of the different states of the Union

Born and educated in different states of the Union in the enjoyment of civil and political rights, They think it hard to be in a degree disfranchised as a people when they have done no crime—but by their migration thither confer a benefit to the United States

Your memorialists deeply impressed with a sense of their provincial dependence in behalf of themselves and constituents, now make a solemn appeal to the national legislature and pray that they may have the liberty of forming a constitution and be admitted as an independent state into the Union upon the same footing as one of the original states—The unexampled increase of population of the state of Ohio; warrant the belief that similar con-



sequences would attend the emancipation of Indiana. It is principle and not men or measures that we complain of and confiding in the Justice of our cause we doubt not of our case meeting proper consideration and your memorialists as in duty bound will ever pray &

MEMORIAL: ELECTION OF SHERIFFS, 1811

[Territorial House Journal, Dec. 14, 1811; presented in House, 12 Cong., 1 sess., Jan. 1, 1812]

To the Senate and house of Representatives of the United States The memorial of the Legislature of the Indiana Territory most respectfully sheweth—

That It the opinion of this body in their associated capacity in behalf of themselves and their constituents that all officers of government as far as possible ought to be elective by the people and in a particular manner they deem it but Just & reasonable that an officer who is so immediately concerned with the people as a sheriff—That they the people ought to have the controul over him at stated periods—Therefore it is required that a law making the office Elective be enacted by the congress of the United States under such regulations as may be deemed most proper by your honorable body

Resolved that three copies of the foregoing memorial be made out by the clerk of the house of Representatives which shall be signed by the speaker of the house of Representatives and by the president of the council one of which shall be by the said speaker be forwarded to the president of the senate of the United States one to the speaker of the house of Representatives of the United States and one to our Delegate in congress

HOUSE CONCURRENT RESOLUTION: EXTRACTS FROM  
JOURNALS, 1811

[Territorial House Journal, Dec. 18, 1811]

Resolved by the House of Representatives The Legislative Council concurring therein that the secretary of the Legislative Council and clerk of the house of Represen-

tatives be and they or either of them are hereby authorised required & enjoined to give any person or persons applying for an extract from their respective Journals a certified transcript of such part or parts thereof as may be required on such applicant or applicants paying for the same at the rate of twelve & an half cents for every hundred words contained in any such transcript or transcripts

FOURTH ASSEMBLY, FIRST SESSION, 1813

JOINT RESOLUTION: NAVIGATION OF WHITEWATER RIVER,  
1813

[Territorial House Journal, Feb. 18, 1813. Soliciting the legislature of Ohio to cause to be opened and made navigable so much of the stream of Whitewater as lies within the limits of that state. Text not found.]

MEMORIAL: RELIEF TO LAND PURCHASERS, 1813

[House Files: Presented 12 Cong., 2 sess., Mar. 3, 1813, and 13 Cong., 1 sess., May 27, 1813]

To

The Honorable

The Senate and House of Representatives  
of the United States in Congress Assembled  
The Memorial of the Legislature of the  
Indiana Territory,

Respectfully Sheweth:

That this Territory for nearly two years back has been, and still continues to be a scene of Confusion and alarm, heretofore unparalleled in the history of our Country; In consequence of frequent & almost constant interruptions, depredations & massacres committed by a ruthless & savage Enemy, scattered along the whole extent of our Frontier, the Inhabitants of the Territory throughout, have been compelled to have a continual resort to Arms and in many instances, literally to sleep at night with Arms in their hands, to protect themselves, their families & property from Slaughter, rapine & plunder Every occurrence throughout the whole of this period & unfortunately not less so now, evinces the difficulties, the dangers & privations to which they have been and still are subject.

Many of the settlers have purchased their Lands of the

United States, and the last cent, has in many instances, been expended in making the first payment, under the impression that by means of their industry, the produce of those very Lands, together with the sale of surplus stock, would enable them to meet their respective balances as they would become due. How they have been disappointed, and are still likely to be, is easily seen; and this too flowing from causes which they had neither reason to expect, nor power to controvert. The purchasers of public Lands being almost entirely a Frontier, and continually exposed to Indian depredations, have been compelled to spend their time & labor in executing Military laws, and repelling the repeated invasions of the savages; And many of them have been under the necessity of Assembling together in Block Houses and Forts for the security of themselves & families. In consequence of which, their Lands have remained unimproved, their Farms have been neglected and a stop has been put to every kind of industry—Their prospects of raising Money from the produce of their Lands & Stock have failed, and their hopes of being able to meet their several Instalments, have been utterly blasted. The circumstances already detailed, apply to purchasers of public lands generally throughout this Territory, but in an eminent degree to those who made their purchases in October 1811—In October next, their several Instalments will become due, and they being destitute of Money, and deprived of the only means by which they could have procured it, are left to the Mercy of the General Government. Should Congress not think proper to grant them relief, the alternative will be, that the purchasers will not only lose their Lands, but also their labor and the Taxes they have paid for the support of the Territorial Government—Many of them will abandon the country—Our Military force will be deminished—and the remaining Inhabitants left in a situation more helpless and exposed, than at present. Confident however of the Justice and clemency of our General Government; And trusting and beleiving

that such relief will be given to purchasers of public lands, as will comport with their situation and the general Interest of the Union by extending the time of payment for Two years on each Instalment, and rescinding any claim to back Interest. Your Memorialists will further suggest, the necessity of reducing the price of public lands, in order to increase the population of the Territory.

JAMES SCOTT

*Speaker of the house of Representatives*

JAS. BEGGS

*President of the Legislative Council*

MEMORIAL: CONFIRMATION OF LAND TITLES, 1813

[House Files: Presented 13 Cong., 1 sess., May 31, 1813]

To

The Hon<sup>ble</sup>

The Senate & House of Representatives  
of the United States in Congress Assembled  
The Memorial of the Legislature of the  
Indiana Territory—

Respectfully Sheweth

That by virtue of an Act of the Legislature of this Territory, Approved September 17<sup>th</sup> 1807, entitled "An Act to incorporate an University in the Indiana Territory"—certain Tracts or parcels of Land have been sold, by Trustees appointed under said Act, in the Seminary Township N<sup>o</sup>. 2, Range 11, to purchasers who were generally poor men, depending on the improvement & cultivation of said Tracts of Land so purchased, for the support of their families. It being latterly suggested, that the Legislature of this Territory, had not the right of disposing of said Land by sale, consequently that such sales are not valid, and that said purchasers are not secured in the Title of said Land, as made to them by the said Trustees. Your Memorialists therefore pray, That your Honorable body will duly consider the unpleasant situation of the said purchasers, and confirm, by a special



Act of Congress, the Titles made by said Trustees to said purchasers.

JAMES SCOTT

*Speaker of the House of Representatives*

JA<sup>s</sup>. BEGGS

*President of the Legislative Council*

MEMORIAL: DEFENSE OF THE TERRITORY, 1813

[*Western Sun*, July 3, 1813]

To his excellency James Madison, President of the United States, the memorial of the Legislative Council & House of Representatives of the Indiana Territory respectfully sheweth:

That it is the opinion of your memorialists your excellency cannot be acquainted with the present deplorable, unguarded and distressed situation of the people of this territory, or some means more adequate than any hitherto adapted, would, ere this, have been provided for our defence.

Your memorialists beg leave to inform your excellency that within a few days past several murders have been committed in the vicinity of Vincennes, our present seat of government, by our ruthless and unrelenting savage neighbors—scarce a day passes without a fresh alarm, or an account of some additional depredations, either by stealing horses or the slaughter of some unfortunate and defenceless inhabitant—such are the terrors created by those murders and depredations that whole neighbors, nay, whole townships are precipitately abandoning their homes, and fleeing with the wrecks of their property to the adjoining states, where their lives at least, will be safe from the tomhawk and scalping knife of the savage.

Such measures of defence as the decreasing and scattered population of our territory will admit of, have been, and are about to be adopted, but was every man in the territory well armed and determined to fight it out to the last, they are too few in numbers to do so with any hope of success. Will then the U. States, because we are a

territory, few in numbers, & at a distance from the Federal head, abandon us to our fate—shall we, for these reasons, be left to the tomhawk and scalping knife of our barbarous foe. We trust not, we would fondly hope such will not be our fate—and we confidently believe when our real situation is know to you sir, to whom we look as our guardian & protector, some means of defence more commensurate with our exigencies will be provided.

Take into view then, a settled frontier of 300 miles in length, and on an average not 30 miles in width, that this exposed and extreme frontier has at this time (owing to constant emigration) not more than 3000 effective militia—two thirds of whom are unarmed and unprovided with any of the munitions of war—situated in a country where arms or ammunition cannot be procured—undisciplined, and till now unaccustomed to war, or any of its attendant horrors—all of them cultivators of the soil—depending on their daily labor for the support of themselves and families—what resistance can they make, or what can be expected from them—but even admit that one third of this force could be brought into the field without endangering the safety of the remainder—what could 1000 raw, undisciplined, unarmed militia do, against an host of cunning, blood thirsty savages?—We answer, they could serve no other purpose but to glut the fury & vengeance of the savages, or the more than savage vengeance of their British supporters.

We would therefore sir, beg leave to suggest as the opinion of this legislature that 1000 men furnished by the U. States, well armed, well equipped and properly conducted, together with the force which could conveniently be spared from the territory, if means were provided for arming and equipping this latter force, would be amply sufficient to the object of not only driving from our borders those hordes of svages which at present infest them—but would also by a proper disposal of this force at the end of the campaign ensure future safety to our frontier.

Your memorialists beg leave to observe to your excellency that although this information has been procrastinated almost to the very end of our session, it was done not because it was believed to be unnecessary; but because your memorialists constantly cherished the idea that before this time some force would have been sent to our relief.—All which is respectfully submitted by order of the legislative council and house of representatives of the Indiana territory.

JAMES DILL,  
*Speaker of the House of Representatives.*  
 JAS. BEGGS,  
*President of the Legislative Council.*

Done at Vincennes, this 11th March, 1813.

MEMORIAL: APPOINTMENT OF GOVERNOR, 1813

[Appointment Office Files, State Department]

To His

Excellency James Madison  
 President of the United States

The memorial of the Legislature of the Indiana Territory respectfully sheweth, that it is with due deference and respect to the Chief Magistrate, whose virtues have given him preeminence and Chief Magistracy over the only Independent nation upon earth, and who with a proper caution selects officers of Government whose principles are congenial not only with our Republican institutions, but with the feelings of those amongst whom the duties of their respective offices have to be discharged—We therefore Sir—

Prompted to a confidence that almost amounts to an assurance that your Excellency will appoint or nominate *no* man to the office of Governor of the Indiana Territory who is in favour of the principle or practice of Slavery—Would respectfully beg leave to suggest that the ordinance of Congress for the Government of the Indiana Territory, the Laws of Congress and the minds and habits of our constituents, all go to make it necessary that

the man vested with such extraordinary powers as the Executive of the Indiana Territory ought to be one whose mind upon all occasions, should as much as possible accord with the wishes of the people he is appointed to Govern; otherwise a degree of heat confusion and dissension of course prevails

Accept the best wishes of this Legislature for your prosperity and welfar and that of the Nation over which you preside

JAMES SCOTT

*Speaker of the house of Representatives*

JAMES BEGGS

*President of the Legislative Council*

FOURTH ASSEMBLY, SECOND SESSION, 1813-14

MEMORIAL: REMUNERATION OF MILITIA, 1813-14

[House Files: Presented 13 Cong., 2 sess., Dec. 29, 1813]

To the Honorable  
The Senate and

House of Representatives of the United States in Congress met for the Year 1813—

The memorial of the Legislature of the Indiana Territory  
Respectfully sheweth

That in the latter part of the winter in this present year, or the commencement of the spring, from the alarming and exposed situation of the Territory aforesaid to Indian hostilities, His Excellency General John Gibson, the then acting Governor, issued an order calling into the service of the United States, sixteen companies of the militia for the purpose of protecting the frontiers of the Territory aforesaid, and to prevent its inhabitants from being slaughtered which in a certain degree had the desired effect—Some of those companies remained little upwards of three months in service, & some of them remained in service a shorter period.—Since the order referred to, issued, and those sixteen companies were discharged, other companies of militia have been ordered out for the protection of the frontiers of this Territory, and mustered into the service of the United States, by order from his Excellency Thomas Posey, Governor of the said Territory—Your memorialists will further represent that many of those men, who composed in part those sixteen companies, in consequence of being called into the service of the United States for the protection as aforesaid last spring, have been entirely prevented from raising of crops and measureably deprived of support for their families, and many having purchased lands from the United States, and being prevented from improving their farms,



renders their situation precarious.—Your memorialists will further state, that muster rolls have been made out for some of those companies, & forwarded to the secretary at War, and some of the officers commanding those companies have forwarded their subsistence accounts, and the residue of the muster rolls subsistence accounts including the whole of the militia that have performed services under the order of Gen<sup>l</sup>. John Gibson, the then acting Governor, and the order of his Excellency Thomas Posey, the present Governor of the Territory aforesaid, will be forwarded to the war department.—

Your memorialists therefore pray that your honorable body will cause the companies of militia referred to, & all others that have performed duty previous to last winter, to be immediately paid, as shall seem in your wisdom just and right.

JAMES NOBLE *speaker of  
the House of Representatives*  
JA<sup>s</sup>. BEGGS *President of the  
Legislative Council*—

Decr. 15<sup>th</sup>. 183 Approved

TH: POSEY

MEMORIAL: POST ROUTE FROM SALISBURY TO EATON,  
1813-14

[Presented in Senate, 13 Cong., 2 sess., Jan. 11, 1814. Text not found.]

MEMORIAL: RELIEF TO MOUNTED RANGERS, 1813-14

[House Files: Referred to Committee, 13 Cong., 2 sess.,  
Jan. 24, 1814]

To the Honorable the Senate & House of Representatives of the United States in Congress Assembled—

The memorial of Your memorialists, The Legislative Council and House of Representatives of the Indiana Territory, respectfully sheweth.

That during the last winter it appears to have been determined by the General Government of the United States, That four companies of mounted Rangers should

be raised for the protection of the Frontiers of the Indiana Territory—The whole to compose a force of upwards of four hundred.—That in the month of March last, circular letters dated the 27<sup>th</sup> of February 1813, under the signature of the Honorable Jonathan Jennings, Deligate in Congress from said Territory, were distributed, informing the people of the Territory that he was authorized by the General Government to acquaint them with the above, and also with the mode in which those companies were to be raised, officered &c.

That agreeably to the provisions contained in Mr. Jennings's Circular letters, four companies of mounted Rangers (to wit) Captains Andrus', Dunn's, Hargrove's, & Peyton's were raised in the latter part of March & the beginning of April last, and put under the command of Colonel Russell of the 7<sup>th</sup> United States Regiment, by order of Secretary Gibson, then acting Governor of the Territory, where they continued faithfully & actively employed in the service of the United States, 'till some time in the month of August or September last, when, without pay, the two latter companies (to wit) Hargroves & Peytons were dismissed the service of the United States, in consequence (as it is said) of two companies (to wit) Captains Biggars & Sholts', which were not reported to the General Government, through the acting Governor of the Territory as required by Mr. Jennings circular letters, having been accepted & commissioned by the President of the United States.

Your Memorialists beg leave further to state, that from the manner in which Hargrove's & Peyton's companies came into the service of the United States, they must certainly have strong and just claims on Your honorable Body for relief, having been raised as was beleived in conformity with & agreeably to the instructions of the department of war, having been put into the public service by the proper authorities, having continued for a considerable time faithfully and actively employed in the

service of the United States, under the command of a United States officer, They must unquestionably be justly entitled to pay, at least, for the time they have been actively & faithfully employed in the public service, notwithstanding they may not have been properly reported by Secretary Gibson, to the department of war, seeing this circumstance was, in all probability, utterly unknown to those companies or their officers, for Governor Posey, in his letter to Captain Hargrove, dated Jeffersonville, 16<sup>th</sup> of August 1813, assures the Captain that Secretary Gibson informed him (Governor Posey) that he (Secretary Gibson) when acting as Governor, had reported the said Captain Hargrove's company to Secretary of War, as one of the four companies that were to be raised.—

Your Memorialists would further respectfully represent that inasmuch as those companies are almost exclusively composed of Citizens of the Territory, who depend on agriculture, for the support of themselves and families—many of them are now left in a distressed situation, having been deprived of an opportunity of making crops for the support of their families and stocks. They are in a deplorable condition, entirely destitute of their usual resources, and without means to procure others, being, when dismissed the service, laid under positive injunctions to be ready at a moments warning, to re-enter the public service, if required, it effectually prevented every individual of which those companies are composed, from undertaking any business for their own private advantage, or emolument, except such as may be performed in a very short period, consequently they have, ever since they have been dismissed the service, continued, and still do continue in a very unpleasant situation, measurably deprived of using their honest exertions, to gain a support for themselves and families, and of an opportunity of obtaining by honest industry, monies sufficient to enable them to discharge many just debts, which they un-

avoidably contracted, whilst in (& equipping themselves for) the public service.

Your Memorialists therefore hope that to suggest the propriety of making those companies such additional compensation as will remunerate them for the disappointment and inconveniences which they have sustained; and a respectful application on their behalf to Your honorable body for relief, will not be deemed an improper interference—Your memorialists therefore respectfully solicit the attention of Your Honorable Body to the subject and confidently trust that such relief will immediately be granted as the claim shall appear justly to merit. Herewith Your Memorialists transmit to Your Honorable Body all the information in their possession relative to the raising, organizing, and service of those companies—And for any other information relative thereto, which may be deemed necessary, Your Memorialists respectfully refer Your Honorable Body to the documents relative to those companies, transmitted to, and deposited in, the office of the Secretary of War.

ISAAC DUNN *Speaker*  
*of the House of Representatives*  
 JA<sup>s</sup>. BEGGS *President of the*  
*Legislative Council*

MEMORIAL: DUTIES OF FEDERAL JUDGES, 1813-14

[House Files: Presented 13 Cong., 2 sess., Jan. 24, 1814]

To the Honorable

The Senate and House of Representatives of the United States in congress assembled

The Legislature of Indiana, Your Memorialists, respectfully sheweth.

That from the weak & indigent state of the Territory formerly, & more especially of late, from our distracted state, occasioned by Indian warfare, Your memorialists have not been able to establish a system of Judicial polity, commensurate to the exigencies of the Territory. Your memorialists have heretofore estab-

lished courts of common pleas in every county, but by reason of the low state of the funds and the impracticability of augmenting the fiscal resources of their district, they have not been able to form circuits or place legal characters on the Bench—This they deem a serious misfortune.—It is one however which they fear they cannot remedy, without the aid of Congress. In the present state of their courts, they cannot introduce uniformity or consistency in decision, and the rules by which the property and liberties of the citizen are governed, remain vague and unsettled.

Foregoing the difficulties which presented themselves, Your memorialists have made a change in the Judiciary system of the Territory. Besides the General court heretofore established, they have thrown the Territory into three circuits, and assigned to each, one of the Judges appointed by the authority of the United States, as President of the circuit, to whom they have associated three Judges in every county; and although Your memorialists have created no new court, Yet they have abolished the courts of common pleas, & have transferred the business from that court to the circuits—Thus augmenting the business of the United States Judges, over whom their control is somewhat doubtful, & from this circumstance they fear that the system they have adopted will not be efficacious, or go into operation—Your memorialists therefore pray Your honorable body to pass a law, making it the duty of those Judges to submit to, & perform those judicial services which this Legislature have marked out, or may hereafter prescribe for them.—

ISAAC DUNN *Speaker*  
*of the House of representatives*  
 JA<sup>s</sup>. BEGGS *President of*  
*the Legislative Council*

January 5<sup>th</sup> 1814

Approved

TH: POSEY



## FIFTH ASSEMBLY, FIRST SESSION, 1814

### MEMORIAL: REMUNERATION OF MILITIA, 1814

[Territorial House Journal, Aug. 18, 1814; presented in House, 13 Cong., 3 sess., Sep. 30, 1814. Requesting pay for all militia who had performed services in the territory since January 1, 1813, that had not received pay, and any others engaged in service before 1813. Text not found.]

### MEMORIAL: RELIEF TO SAMUEL LITTELL, 1814

[Draft Copy, Indiana State Library]

To the Senate and House of Representatives of the United States of America in Congress assembled

The Legislature of the Indiana Territory would beg leave to represent that satisfactory evidence being adduced to the Legislature of Lieutenant Samuel Littell of the United States Rangers of Capt Parminas Beckes company having received a wound at the time the detachment from Genl. S. Hopkins' army near Tippecanoe in the year 1812 were defeated that the said Lieut. Littell in consequence of said wound has lingered and been confined to his room the greater part of the time since he received said wound and has been obliged necessarily to expend large sums of money during his lengthy confinement to surgeons and others who have attended him that during his Confinement he has been dismissed the service without drawing his full pay up to the time the company were dismissed and paid off—That altho the provision made by Congress is such as in most cases will do justice to those who are disabled by wounds received while in the service of the United States, Yet there are some cases which would require the interposition of Congress to do that justice which it seems they had in view at the time they made the af<sup>d</sup> provision

We would therefore humbly solicit Congress to take under Consideration the said Lieut. Littell's case and pass

some law to authorise him to draw his full pay up to the time the balance of the Company were paid off. And to authorise the proper officer to place the said Lieut. Littell on on the pention list and that it Commence at the time his pay in the line ceases

GEORGE R C SULLIVAN *S. L C*

August 24<sup>th</sup> 1814

I. BLACKFORD *C.H.R.*

26<sup>th</sup> August 1814

MEMORIAL: RELIEF OF HENRY BATMAN, 1814

[Territorial House Journal, Sep. 9, 1814. Text not found.]

JOINT RESOLUTION: CONDUCT OF MAJOR GENERAL JACOB BROWN, 1814

[Office of the Secretary of State, Indiana]

Whereas the patriot and soldier feels more honest pride in rendering service to, and gaining the applause of, his country, than in empty titles and glittering gold, and whereas he can only know the sense of his country upon his conduct by their expressions of the same, Therefore, Resolved Unanimously by the Legislative Council and House of Representatives of the Legislature of Indiana, That we have full confidence in the military talents, bravery and patriotism of Major Genereal Jacob Brown, the officers and soldiers under his command, who are entitled to our warmest thanks for the noble character they supported in several contests which have recently taken place on the Niagara frontier with the British army under Lieutenant Gen<sup>l</sup>. Drummond.

Resolved That, with such officers and soldiers, we fully beleive That it is the pleasure of the Allmighty to bring this just war (on the part of the United States) to an honorable close, in support of which we are ready to pledge our lives, our property, our all; nor are we in the least deterred from prosecuting the same on account of

the burning of a few Towns on our sea board (The capitol not excepted) when our rights as free men are called in question.—

Resolved That with the nation in general, we lament the temporary loss of the services of Gen<sup>ls</sup>. Brown and Scott, but this in a measure is made up by the service of the brave Gen<sup>ls</sup>. Gaines, Porter and others.

Resolved further That all those general officers, who have attended their camps and armies while others have been attending cities and public dinners deserve our warmest thanks.

Resolved That his Excellency the Governor of this Territory be requested to have the above resolutions printed in one or more newspapers, & have one copy of the same forwarded to the president of the United States, & one copy to Major Gen<sup>l</sup>. Brown.

WILLIAM HENDRICKS *Speaker*  
*of the House of Representatives*  
 JESSE L. HOLMAN *President*  
*of the Council*

Approved 10<sup>th</sup> September

1814

TH: POSEY

JOINT RESOLUTION: RESPECTING THE BANK OF  
 VINCENNES, 1814

[Office of the Secretary of State, Indiana]

Resolved by the Legislative Council and House of Representatives, That the Governor be and he is hereby requested to suspend the subscription for any shares in the Bank of Vincennes, and the Farmers & mechanicks Bank of Indiana until the further request of the Legislature, any thing in the law incorporating the President, Directors and company of the said Banks of Vincennes and Farmers & mechanicks of Indiana, to the contrary notwithstanding—And Resolved That the Treasurer shall

call for no loans from said banks until ordered by the Governor.

WILLIAM HENDRICKS *Spkr*  
*of the House of Represent<sup>s</sup>.*  
 JESSE L. HOLMAN *President*  
*of the Council*

Approved 10<sup>th</sup> September  
 1814

TH: POSEY

MEMORIAL: RELIEF TO LAND PURCHASERS, 1814

[House Files: Presented 13 Cong., 3 sess., Sep. 22, 1814]

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.—

The memorial of the Legislature of the Indiana Territory respectfully sheweth,

That this Territory since the battle of Tippecanoe 1811 has been a scene of confusion and alarm, until the latter part of the year 1813. In consequence of frequent interruptions, depredations, & massacres committed by a ruthless and savage enemy on our frontier, the inhabitants of the Territory throughout have been compelled frequently to resort to arms to protect themselves, their families, & property from slaughter, rapine and plunder.—Every occurrence throughout the whole of the period aforesaid evinces the difficulties, the dangers & privations to which they have been subjected.—Many of the settlers have purchased their lands of the United States, and their last cent has in many instances been expended in making the first payment under the impression that by means of their industry the produce of those very lands, together with the sale of surpluss stock, would enable them to meet their respective ballances as they would become due—How they have been disappointed and are still likely to be, is easily seen, and this too, flowing from causes which they had neither reason to expect, nor power to control. Many of those purchasers of public lands, having settled on the frontiers, were exposed to

Indian depredations during the period aforesaid, and have been compelled to spend their time & labor in executing military laws and repelling the repeated invasion of the Savages; & many of them have been under the necessity of assembling together in block houses and forts for the security of themselves and families; & in 1813, at one time, there were sixteen companies of militia of this Territory ordered out by John Gibson, Secretary & acting Governor of the Territory, for the protection of the frontiers from Indian hostilities, and a number of those persons were purchasers of public lands and entirely deprived of making crops during the year last aforesaid. In consequence of the circumstances before detailed, their lands have remained unimproved, their farms have been neglected & a check has been put to every kind of agricultural industry. Their prospects of raising money from the produce of their farms & stock have failed, and their hopes of being able to meet their several instalments have been utterly blasted.—The circumstances already detailed apply to purchasers of public lands generally throughout this Territory, but in an eminent degree to those who made their purchases since the first of January 1810, 1811 &c—Some of their instalments are due & on interest, and they being destitute of money and deprived of the only means by which they could have procured it, are left to the mercy of the General Government.—Should Congress not think proper to grant them relief, they must of necessity, ultimately lose not only their lands, but also their labor. Confident however of the Justice and clemency of our General Government, We trust that such relief will be given to purchasers of public lands as will comport with their situation and the general interest of the Union, by extending the time of payment for two years on each instalment due and rescinding back interest.

Your memorialists will further suggest the necessity of reducing the price of public lands (in order to increase the population of the Territory,) in such quarter sections



of land that are of an inferior quality, there being a great number of that description, and which would add to the comfort of number of poor families, and encrease the funds of the General Government.

Your memorialists would further suggest that subdividing quarter sections of land of an inferior quality, would also be attended with advantages not only to the funds of the General Government, but be the means of encreasing the population of the Territory, and the welfare of families.

WILLIAM HENDRICKS *Speaker*  
*of the House of Representatives*  
 JESSE L. HOLMAN *President*  
*of the Council.*

Approved 31<sup>st</sup> August 1814

TH: POSEY

MEMORIAL: DUTIES OF JUDGES, 1814

[*Annals of Congress*, 13 Cong., 3 sess., cols. 400-401]

To the Senate and House of Representatives of the United States in Congress assembled, the memorial of the Legislature of the Indiana Territory humbly showeth:

That, by a law of Congress, one of the judges, appointed by virtue of the ordinance for the government of this Territory, is authorized to hold a court. Thus, one of the judges being competent to hold a court, may decide a principle, or a point of law, at one term, and, at the next term, if the other two judges are present, they may decide the same principle or point of law different. Thus the decisions of the superior court, organized, we presume, by the General Government, finally to settle in uniformity the principles of law and fact, which may be brought before them by the suitor, may be, and frequently are, in a state of fluctuation; hence the rights of persons and property become insecure. There is another evil, growing out of the system, of one judge being competent to hold the superior court, or that court which forms the last resort of the suitor in any Government, and par-

ticularly in the Territory; for appeals are taken from all the courts of inferior jurisdiction in the Territory, to the court organized by the ordinance, which inferior courts are never constituted of less than two judges. Thus the suitor in the Territory is frequently driven to the necessity of appealing from the judgment of two men to that of one; but this dilemma only constitutes part of the solecism for the next superior court, as the other two judges may overturn the principles of the decision of their brother judge at the preceeding term. Hence the want of uniformity in the decisions of the court of the last resort. Anger and warmth in the suitors, and a confusion in our system of jurisprudence, is the result.

Your memorialists beg leave further to suggest the propriety and necessity of defining, with more precision, the duties of the judges appointed by virtue of the ordinance for the government of the Territory. The ordinance says there shall be a court to consist of three judges, who shall have a common law jurisdiction. The same instrument points out the way a Legislature may be organized; but in no part does the ordinance expressly delegate to the Legislature the power of regulating when and where the superior courts are to be held, or the manner how they are to do business. This power, by a kind of common consent of the judges, the Legislature have assumed from the necessity of the case, as the ordinance creating the courts leaves it afloat, without identifying either the time when, the place where, or the manner how, this court is to exercise their jurisdiction. Again, it would be desirable that Congress would define the jurisdiction of the superior court. We presume that it is a sound rule for the construction of a constitution or a law, that it must be construed from the face of it, and not travel to the history of other times and other Governments in search of the meaning of our ordinance, or any act of Congress. We beg leave to suggest the propriety of pointing out, by law, what common law the ordinance refers to, whether the common law of England, or France,

or of the Territory over which the ordinance is the constitution. If it should be determined that, by the expression of the ordinance, a common law jurisdiction should be located on the common law of England, it is essential to define to what extent of that common law the judges shall take cognizance; whether the whole extent of feudal and gothic customs of England; whether the customs, or unwritten law shall be taken with the statute law, and that to form the common law to govern the judges; or whether the unwritten and statute law is to be taken in contradistinction to the laws, customs, and rules of chancery; or whether it includes that law which is common to all. By Congress defining the powers of the court, and not leaving them at sea without compass or chart to exercise their power of judicial legislation, as circumstances may arise, or passion or interest dictate, by defining the powers of the Legislature and jurisdiction of the court, that collision and jarring which might arise between those two bodies would be harmonized.

Your memorialists, therefore, pray that you would repeal the law first herein alluded to, and make two of the judges hold the court, and define more specifically the duties of that court.

WILLIAM HENDRICKS,  
*Speaker of the House of Representatives.*  
JESSE L. HOLMAN,  
*President of the Council.*

## FIFTH ASSEMBLY, SECOND SESSION, 1815

### MEMORIAL: RELIEF OF MILITIA, 1815

[Territorial House Journal, Dec. 11, 1815. A memorial to the President of the United States for the relief of the militia of the territory who had rendered service under the orders of the general government or of the governor of the territory. Text not found.]

### JOINT RESOLUTION: APPROPRIATION TO WILLIAM HENDRICKS, 1815

[Territorial House Journal, Dec. 26, 1815]

Resolved by the Legislative council and House of Representatives That Davis Floyd Treasurer be and he is hereby authorised, to audit to William Hendricks the sum of ten dollars for his services as prosecutor, on the part of the House of Representatives of articles of impeachment by the said House of Representatives preferred before the Legislative Council, against Isaac Shelby clerk of the Clark circuit court.

### JOINT RESOLUTION: PRESERVATION OF RECORDS, 1815

[Territorial House Journal, Dec. 27, 1815]

Resolved by the Legislative Council and House of Representatives, that the committee of ways and means be instructed, to contract with some person, to examine into the situation, of the records Journals and papers, of the House of Representatives, and if necessary to arrange, file, and indorse them in proper order, and also to have the papers and documents of both Houses, and the cases trunks and other repositories thereof sufficiently and safely secure.

### MEMORIAL: STATEHOOD, 1815

[House Files: Presented 14 Cong., 1 sess., Dec. 28, 1815]

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled.—

The Memorial of the Legislative Council and the House of Representatives, of the Indiana Territory, Assembled at the town of Corydon, in the Year eighteen hundred and fifteen, in behalf of their constituents, respectfully Sheweth.—

That Whereas the ordinance of congress, for the Government, of this Territory, has provided, "That whenever there shall be sixty thousand free inhabitants therein, this Territory shall be admitted into the Union, on an equal footing with the original States." And Whereas by a census taken by the authority of the Legislature of this Territory, it appears from the returns, that the number of free white inhabitants, exceeds Sixty thousand, we therefore pray the Honorable Senate and House of Representatives, in congress assembled, to order an election, to be conducted agreeably to the existing laws of this Territory, to be held in the several counties of this Territory, on the first monday of May 1816. for representatives to meet in convention, at the seat of Government of this Territory the        day of        1816. Who when assembled shall determine by a majority of the votes, of all the members elected, Whether it will be expedient or inexpedient, to go into a State Government, and if it be determined expedient, the convention thus assembled, shall have the power to form a constitution and frame of Government, Or if it be deemed inexpedient, to provide for the election of Representatives, to meet in convention, at some future period to form a constitution.—

And Whereas the people of this Territory, have made great sacrifices, by settling on the frontiers, where they have been exposed to dangers and hardships of almost every description, by which means, the lands of the United States, have been greatly increased in value; we feel confident, that congress will be disposed, to grant us seven per cent on all monies received at any of the United States land offices, from the first day of April 1816. for lands already sold, or hereafter to be sold, lying in this Territory, such per centage to be at the disposal of this



Government, in such way as may be judged most conducive to the General welfare. It is expected by us that the General Government, will be disposed to confirm to us her grant of township N<sup>o</sup>. 2. South of Range 11. west of the second principal meridian, granted to the Indiana Territory for the use of an Academy, also the reserved Sections 16. in that portion of the Territory where the Indian title has already been extinguished, as well as that which may be hereafter purchased, of the Indians, to be at the disposal of the future State for the use of Schools, and it is further requested and expected, that all coal mines and Salt licks, which may be reserved by the United States, with a sufficiency of land to work them to effect, will be granted to the future State, as well where the Indian title is relinquished as where it is not, as soon as such relinquishment is obtained by the United States. Furthermore as it is conceived by us, that the promotion of useful Knowledge, is the best Guarantee to our civil institutions, and as congress must know something of the difficulties, of raising money in new countries, for the support of universities, we think we do ourselves but justice, in asking a reserve of one entire township, for the support of a college, to be located at some suitable place, on the United States lands in this Territory.—And whereas in the counties of Knox Gibson and Clark, in said Territory, a great quantity, of the lands in said counties, are claimed by private individuals, and confirmed to them by various laws of congress, which lands are so located that those counties will be deprived of the benefits from the sixteenth Section, reserved by the laws of congress, for the use of schools, It is therefore expected, that congress will reserve an equivalent in lands for the use of Schools, in said counties, in proportion to the number of the 16<sup>th</sup> Section now the property of individuals in said counties.—As it is deemed good policy, that every State should have its Seat of Government, as nearly central as the local situation of the country will permit, and as such site proper for the permanent Seat, is not at this time at the disposal of this Territory,

or the General Government, it is expected That congress will, Whenever the Indian title shall be extinguished, grant us a township of six miles square, to be selected by such persons, as the future state may appoint; and whereas congress will receive the most correct information from this body, to enable them to proportion the number of representatives to the convention in the different counties, we recommend the following as proportioned to the census of each county, according to their present boundaries to wit.—

Wayne . . . . .	4.	Washington . . . . .	5.
Franklin . . . . .	5.	Harrison . . . . .	4.
Dearborn . . . . .	3.	Knox . . . . .	5.
Switzerland . . . . .	1.	Gibson . . . . .	4.
Jefferson . . . . .	3.	Posey . . . . .	1.
Clark . . . . .	5.	Warrick. &	
Perry . . . . .	1.		

And whereas the inhabitants of this Territory, are principally composed of emigrants, from every part of the union, and as various in their customs and sentiments, as in their persons, we think it prudent at this time to express to the General Government, our attachment to the fundamental principles of Legislation, prescribed by congress in their ordinance for the Government of this Territory, particularly as respects personal freedom and involuntary servitude, and hope that they may be continued as the basis of our constitution.—

DENNIS PENNINGTON *Speaker  
of the House of representatives*  
DAVID ROBB *president of the  
Legislative Council—*

#### MEMORIAL: RELIEF TO MANUFACTURERS, 1815

[Senate Files: Presented 14 Cong., 1 sess., Jan. 2, 1816]

To the Honorable the Senate and House of Representatives, of the United States in Congress assembled.—

Ll. 16-17. As printed in the *Western Eagle*, December 23, 1815, and the *Western Sun*, January 27, 1816, the memorial assigned Warrick and Perry each one delegate.—ED.

The memorial of the Legislative Council and House of Representatives of the Indiana Territory assembled at the Town of Corydon, on the first Monday of December AD. 1815. Humbly Sheweth,

That Whereas by an act of Congress, passed the 19<sup>th</sup> day of April 1815.—It is made the duty of all Manufacturers, of certain articles therein specified to make regular quarterly returns, of all such articles manufactured and sold by them, to the collector of this district, And whereas on account of the detached situation, of many of the settlements of this Territory, and their remoteness from post roads, and Post-offices, they are destitute of any correct means of information, in consequence of which have incurred the penalty of the law aforesaid, before they knew of its existence, and many others, whose establishments are very small (as must necessarily be the case in all new countries) not understanding the strict letter of the law, and not being able to keep clerks, have not been able to keep their accounts in due form, by which means, notwithstanding they were and still are willing to comply with the law, they are exposed to prosecutions, costs, fines &c, to the ruin of their establishments, the distress of their families, and great injury of the community at large; We therefore pray your honorable body, to take their case under consideration, and direct the collector of the district, to suspend the commencement of any prosecution, and to withdraw any already commenced, on condition the persons who have so offended, shall on or before the first day of October 1816. according to the best of their knowledge, make out under oath or affirmation, an aggregate return of all articles, manufactured and sold by them, subject to taxation by the laws aforesaid, and return the same to the collector, together with the amount due the United States.

DENNIS PENNINGTON *Speaker  
of the House of representatives*  
DAVID ROBB *president of the  
Legislative Council*

## MEMORIAL: SALT SPRING ON INDIAN LAND, 1815

[House Files: Referred to Committee, 14 Cong., 1 sess.,  
Jan. 12, 1816]

To The Honorable

The Senate and House of Representatives in Congress Assembled.—

The Memorial of the Legislative Council and House of Representatives of the Indiana Legislature Humbly Sheweth: That Whereas it has been represented to this Legislature, That There lies on the Indian Land in This Territory, within one mile of the Indian boundary a salt spring, which if opened would supply some part of the Territory with the necessary article of salt; And whereas the Chiefs of the Delaware Indians who claim the Land; On which the same lies, has proposed to give Liberty to Davis Floyd and his associates to work the same; provided similar Liberty can be obtained from Congress; And whereas we think that if once opened, and of any considerable importance, it would greatly enhance the value of Public Land in that quarter—And also promote the emigration, to that part of the Territory—

We therefore Humbly Pray Congress, to pass some Law, Ordinance or Resolution, which will authorize the said Davis Floyd and his associates to open and work the same as also Land sufficient to afford timber upon such terms and conditions as they in their wisdom may deem proper, first obtaining leave as aforesaid from the Chiefs of the Delaware Indians—And as in duty &c

DENNIS PENNINGTON *Speaker  
of the House of representatives*

DAVID ROBB *president of  
the Legislative Council*

APPENDIX III.

ROSTER OF TERRITORIAL OFFICERS, DELEGATES TO CON-  
GRESS, CIRCUIT JUDGES, MEMBERS OF THE GENERAL  
ASSEMBLIES, AND COUNTY OFFICIALS

1800-1816





## TERRITORIAL OFFICERS<sup>1</sup>

### GOVERNOR

[Ordinance of 1787; Acts of Congress, August 7, 1789, May 7, 1800]

William Henry Harrison—May 13, 1800-December 28, 1812<sup>2</sup>

Thomas Posey—March 3, 1813-November 7, 1816

### SECRETARY

[Ordinance of 1787; Acts of Congress, August 7, 1789, May 7, 1800]

John Gibson<sup>3</sup>—May 14, 1800-November 7, 1816

### JUDGES OF THE GENERAL COURT

[Ordinance of 1787; Acts of Congress, August 7, 1789, May 7, 1800]

William Clarke—October 6, 1800-November 11, 1802. Died.

John Griffin—October 6, 1800-March 1, 1806<sup>4</sup>

<sup>1</sup> Article 12, section 3, of the Constitution of 1816 provided that all civil officers under the territorial government should continue in the duties of their respective offices until they were superseded under the authority of the constitution.

<sup>2</sup> Harrison's commission was dated May 13, 1800. He resigned the governorship in a letter of December 28, 1812, to the secretary of state. This letter appeared in the Cincinnati *Liberty Hall* of January 12, 1813, and in at least four other Ohio newspapers, as well as the Vincennes *Western Sun* of January 31, but it was never, apparently, received in Washington. Secretary of State Monroe to Archer, chairman of the Committee on Military Affairs, March 3, 1814, in Domestic Letters, 16:232, Bureau of Indexes and Archives, State Department. Harrison left the territory in June, 1812, and had since been commissioned major general in the Kentucky militia, brigadier general in the United States Army, and placed in command of the Northwestern Army. On February 16, Harrison wrote to Paul Armstrong that he had resigned the civil office lest it prevent his appointment as major general. *Liberty Hall*, March 13, 1813. This appointment was confirmed on March 1, 1813. U.S. Senate, *Executive Journal*, 2:330. Records in the General Accounting Office show that Harrison was paid as governor only until September 30, 1812.

<sup>3</sup> Gibson was acting governor from July 4, 1800, until Harrison's arrival in January, 1801, and again from June, 1812, until Posey's arrival in April, 1813.

<sup>4</sup> In a letter to the secretary of state on March 1, 1806, Griffin inclosed his commission as judge of Indiana Territory to be presented to the president as his resignation. His last appearance on

## 820 INDIANA HISTORICAL COLLECTIONS

Henry Van der Burgh—October 6, 1800-April 5, 1812. Died.<sup>1</sup>  
Thomas Terry Davis—February 8, 1803-November 15, 1807. Died.  
Waller Taylor—April 16, 1806-December 12, 1816  
Benjamin Parke—April 23, 1808-December 28, 1816  
James Scott<sup>2</sup>—February 1, 1813-December 28, 1816

### TERRITORIAL CHANCELLORS

[Territorial Acts, August 22, 1805, March 11, 1813, September 10, 1814]

John Badollet—September 2, 1805-March 1, 1806. Resigned.  
Thomas Terry Davis—March 1, 1806-November 15, 1807. Died.  
Waller Taylor—November 24, 1807-October 1, 1814  
Benjamin Parke—June 14, 1813-October 1, 1814  
James Scott—June 14, 1813-October 1, 1814

### ATTORNEYS GENERAL OF THE TERRITORY

[Ordinance of 1787; Territorial Act, December 21, 1813]

John Rice Jones—January 29, 1801-August 4, 1804. Resigned.  
Benjamin Parke—August 4, 1804-April[?], 1808  
Thomas Randolph—June 6,<sup>3</sup> 1808-November 7, 1811. Died.  
General Washington Johnston<sup>4</sup>—December[?], 1811-February 1,  
1814

### ATTORNEYS FOR THE UNITED STATES IN THE TERRITORY

[Act of Congress, February 27, 1813]

Elijah Sparks—July 27, 1813. Resigned before October 18, 1814.  
William Hendricks—November 2, 1814-December 2, 1816<sup>5</sup>

<sup>1</sup> An account of his death on April 5 and funeral the following day is given in the Vincennes *Western Sun*, April 25, 1812.

<sup>2</sup> James Fisk, a Congressman from Vermont, was first appointed to succeed Van der Burgh. He declined and Scott was appointed. Fisk to James Monroe, November 3, 1812, in Appointment Office Files, State Department, Washington.

<sup>3</sup> The territorial *Executive Journal*, 146, gives June 2, but according to the Treasurer's Account Book, 1806-15, p. 9, his salary began on June 6.

<sup>4</sup> Johnston's appointment is not given in the territorial *Executive Journal*; however, in the *Western Sun* of December 28, 1811, he announced that he had been honored with the office, and at the April term of the general court, 1812, he appeared and produced his commission. Order Book of the General Court of Indiana Territory, 1811-16, p. 43.

<sup>5</sup> Hendricks was seated as Indiana's representative in Congress on this date.

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the bench of the Indiana territorial court was at the September term, 1805. He was appointed a judge of Michigan Territory on March 29, 1806. Appointment Office Files, State Department, Washington; Order Book of the General Court of Indiana Territory, 1801-10, p. 186; U. S. Senate, *Executive Journal*, 2:11, 30.

## MARSHAL FOR THE UNITED STATES IN THE TERRITORY

[Act of Congress, February 27, 1813]

John Vawter—July 27, 1813-March 5, 1817

## CLERK OF THE GENERAL COURT

[Ordinance of 1787; Act of Congress, May 7, 1800]

Henry Hurst—January 14, 1801-May 5, 1817

## TERRITORIAL TREASURERS

[Territorial Acts, January 26, 1801, December 31, 1813]

William McIntosh—February 9, 1801-September 4, 1805[?]

James Johnson—September 4, 1805-April 26, 1813. Resigned.

General Washington Johnston—May 29, 1813-February 1, 1814

Davis Floyd—February 1[?], 1814-November 16, 1816<sup>1</sup>

## AUDITORS OF PUBLIC ACCOUNTS

[Territorial Acts, August 26, 1805, December 31, 1813]

Peter Jones—September 5, 1805-April 12, 1810. Resigned.

William Prince—April 13, 1810-January 20, 1813

General Washington Johnston—January 20, 1813-February 7, 1813

William Prince—February 8, 1813. Resigned before June 15, 1813.

Davis Floyd—June 15, 1813-February 1, 1814

## DELEGATES TO CONGRESS

[Ordinance of 1787; Act of Congress, February 27, 1809]

Benjamin Parke—December 12, 1805—April 23, 1808<sup>2</sup>Jesse B. Thomas—December 1, 1808-March 3, 1809<sup>3</sup>Jonathan Jennings—November 27, 1809-November 7, 1816<sup>4</sup>

<sup>1</sup>The appointment of Floyd as treasurer is not recorded in the territorial *Executive Journal*. He was recommended for the position as early as December 29, 1813, by James Noble, Isaac Dunn, and others. Petition to Posey, in English Manuscripts, Indiana Historical Society. At the legislative session of 1814, "Mr. Floyd, The Treasurer of the Territory," made a report to the House. Territorial House Journal, August 20, 1814. See also *ante*, 688.

<sup>2</sup>Parke's election probably took place on August 21, 1805. Territorial House Journal, August 16, 1805. His note of acceptance is dated August 23. English Manuscripts, Indiana Historical Society. He was seated in Congress on December 12. *Annals*, 9 Congress, 1 session, 275. April 23, 1808, is the date of his commission as judge of the general court.

<sup>3</sup>Thomas was elected on October 22, 1808. Territorial House Journal, October 22, 1808. He was seated on December 1. *Annals*, 10 Congress, 2 session, 611. On March 7, 1809, his appointment as a judge of Illinois Territory was confirmed. U. S. Senate *Executive Journal*, 2:119, 120.

<sup>4</sup>May 22, 1809, was the date of Jennings' election. He was

PRESIDING JUDGES OF CIRCUIT COURTS<sup>1</sup>

[Territorial Act, August 30, 1814]

*First Circuit* (Knox, Gibson, Warrick, Perry, Posey, Orange, Jackson)Isaac Blackford—September 14, 1814. Resigned before January 20, 1816.<sup>2</sup>

David Raymond—February 24, 1816-December 21, 1816

*Second Circuit* (Clark, Harrison, Jefferson, Washington)

Jesse L. Holman—September 14, 1814-December 21, 1816

*Third Circuit* (Dearborn, Franklin, Wayne, Switzerland)

Elijah Sparks—September 14, 1814. Died before May 25, 1815.

James Noble—May 25, 1815-December 4, 1815[?]<sup>3</sup>

Jesse L. Holman—March 1, 1816-December 18, 1816

## TERRITORIAL GENERAL ASSEMBLIES

## FIRST GENERAL ASSEMBLY

*First Session*: July 29-August 26, 1805

## Legislative Councilors

Samuel Gwathmey, Clark County	John Rice Jones, Knox County
Benjamin Chambers, Dearborn County	Pierre Menard, Randolph County
	John Hay, St. Clair County <sup>4</sup>

<sup>1</sup> See *ante*, 65-66, 68-69.<sup>2</sup> Blackford's resignation was announced in the *Vincennes Western Sun* of this date.<sup>3</sup> Noble was a member of the legislature at the session which began on December 4; he must have resigned as judge before that time as he could not hold both offices. The legislature provided that the judge of the Second Circuit should also preside over the Third Circuit after March 1, 1816. Wayne County court records show that Noble was present at the court held in October, 1815, and Holman was presiding judge at the next court in March, 1816. *Ante*, 617; Fox, Henry C. (ed.), *Memoirs of Wayne County and the City of Richmond, Indiana . . .*, 1:68 (Western Historical Association, Madison, Wis., 1912).<sup>4</sup> Hay had been appointed councilor on April 29, 1805. It is doubtful whether he ever served, for his resignation was presented to the House of Representatives on August 9, 1805, and Harrison, when sending the nominations for his successor to President Jefferson, seated on November 27. *Annals*, 11 Congress, 2 session, 682. On November 7, 1816, he was sworn in as governor of Indiana. *House Journal*, 1816-17, p. 10.



## Representatives

Davis Floyd, Clark County	John Johnson, Knox County
Jesse B. Thomas, Dearborn County	George Fisher, Randolph County
Benjamin Parke, Knox County	Shadrach Bond, Sr., <sup>1</sup> St. Clair County
William Biggs, St. Clair County	

## Officers

Henry Hurst, Clerk to Legislative Council
General Washington Johnston, Clerk to House of Representatives
Abraham Defrance, Doorkeeper

*Second Session:* November 3-December 6, 1806

## Legislative Councilors

Samuel Gwathmey, Clark County	Pierre Menard, Randolph County
Benjamin Chambers, Dearborn County	Shadrach Bond, Sr., St. Clair County
John Rice Jones, Knox County	

<sup>1</sup> Records of payments to members of the assemblies, in the territorial Treasurer's Account Book, 1806-15, support the conclusion reached by Professor Philbrick that it was Shadrach Bond, Sr., uncle of Shadrach Bond, Jr., who sat in the territorial House of Representatives in 1805. See Philbrick (ed.), *Laws of Indiana Territory, 1801-1809*, ccxxviii, ccxvi-ccxlix. Warrants for payment for the sessions of 1805 and 1806 were apparently made out at the same time. The first payment to either of the Bonds is to "Shedrich Bond sr. a membr. of the legislature upon his warrant [No. 33] for \$69 . . . \$49." Warrant 32 is to "Shadrach Bond Jnr. his sarvis<sup>s</sup>. as membr. of the legislature for 1806 . . . \$108," and warrant 34 is to "Shadrach Bond a membr. of the council 34 days at \$2 pr. day & milage for 400 ms. at \$2 each 20 ms. . . . \$108." The amount of Bond, Sr.'s warrant No. 33 is in exact accordance with the rate of pay for 1805, \$1.00 per day; the length of that session, twenty-nine days; and the mileage allowance of \$2.00 for each twenty miles. Treasurer's Account Book, 1806-15, pp. 2, 4, 6.

son, stated that Hay had "declined the appointment." His name does not appear in the Treasurer's Account Book as receiving payment for services as a councilor. Appointment Office Files, State Department, Washington; Esarey (ed.), *Messages and Letters*, 1:174; territorial House Journal, August 9, 1805.

## Representatives

Davis Floyd, Clark County	Benjamin Parke, Knox County <sup>1</sup>
Jesse B. Thomas, Dearborn County	George Fisher, Randolph County
John Johnson, Knox County	Shadrach Bond, Jr., St. Clair County
William Biggs, St. Clair County	

## Officers

Samuel Hayes, Doorkeeper

## SECOND GENERAL ASSEMBLY

*First Session:* August 16-September 19, 1807

## Legislative Councilors

Samuel Gwathmey, Clark County	Pierre Menard, Randolph County <sup>2</sup>
Benjamin Chambers, Dearborn County	Shadrach Bond, Sr., St. Clair County <sup>3</sup>
John Rice Jones, Knox County	

## Representatives

James Beggs, Clark County	Luke Decker, Knox County
Jesse B. Thomas, Dearborn County	George Fisher, Randolph County
General Washington Johnston, Knox County	Shadrach Bond, Jr., St. Clair County
William Biggs, St. Clair County	

<sup>1</sup> Parke had been elected delegate to Congress at the session held in 1805. No provision has been found that would have prohibited him from continuing to hold his seat in the territorial legislature. The *Annals of Congress* disclose that he did not arrive in Washington to take his seat at the session which began on December 3, 1806, until December 29. The twenty-three days interim between the close of the territorial session and his appearance in Congress would probably have enabled him to travel the distance between Vincennes and Washington. *Annals*, 9 Congress, 2 session, 220. On the other hand, Parke's letter accepting the office of delegate, dated August 23, 1805, spoke of "taking leave" of the legislature, as though he did not expect to attend a later session. Parke to Jesse B. Thomas, in *English Manuscripts*, Indiana Historical Society.

<sup>2</sup> George Fisher and James Finney were nominated to succeed Menard on September 12, 1807. His resignation was dated September 19, the last day of the session. Esarey (ed.), *Messages and Letters*, 1:253, 256.

<sup>3</sup> On August 31, 1807, the House of Representatives balloted for persons to succeed Bond; Shadrach Bond, Jr., and Thomas Todd were nominated. *Ibid.*, 1:245-46.

## Officers

Henry Hurst, Clerk to Legislative Council  
 Davis Floyd, Clerk to House of Representatives  
 Samuel Hayes, Doorkeeper

*Second Session:* September 26-October 26, 1808

## Legislative Councilors

Samuel Gwathmey, Clark County <sup>1</sup>	George Fisher, Randolph County
Benjamin Chambers, Dearborn County <sup>2</sup>	Shadrach Bond, Jr., St. Clair County
John Rice Jones, Knox County	

## Representatives

James Beggs, Clark County	Luke Decker, Knox County
Jesse B. Thomas, Dearborn County	Rice Jones, Randolph County
General Washington Johnston, Knox County	William Biggs, St. Clair County
	John Messenger, St. Clair County

## Officers

Henry Hurst, Clerk to Legislative Council  
 William Jones, Clerk to House of Representatives  
 Jonathan Jennings, Assistant Clerk to House of Representatives  
 John Caldwell, Clerk pro tem to House of Representatives  
 Samuel Hayes, Doorkeeper

*Rump Session:* October 16-21, 1809<sup>3</sup>

## Legislative Councilors

Thomas Downs, Clark County	Harvey Heth, Harrison County
Solomon Manwaring, Dearborn County	William Prince, Knox County
	Luke Decker, Knox County

<sup>1</sup> See note 1, pages 830-31.

<sup>2</sup> Chambers' name does not appear in the Journal for 1808, but by a special act of 1810 he was allowed \$41 for services as a councilor for the 1808 session. It is possible that Chambers started to Vincennes, but did not arrive, and that the \$41 is a mileage allowance. His mileage allowance for 1807 was \$48. Treasurer's Account Book, 1806-15, p. 7.

<sup>3</sup> See *ante*, 8-9, for a discussion of this session.

Representatives

James Beggs, Clark County	Moses Hoggatt, Harrison County
John Work, Clark County	County
Richard Rue, Dearborn County	John Johnson, Knox County
Ephraim Overman, Dearborn County	General Washington Johnston, Knox County
	John Hadden, Knox County <sup>1</sup>

Officers

James Noble, Clerk to Legislative Council (2 days)  
 Henry Hurst, Clerk to Legislative Council (4 days)  
 John Caldwell, Clerk to House of Representatives (3 days)  
 William Jones, Clerk to House of Representatives (3 days)  
 Samuel Hayes, Doorkeeper

THIRD GENERAL ASSEMBLY

*First Session:* November 12-December 19, 1810

Legislative Councilors

James Beggs, Clark County	John Harbison, Harrison County
Solomon Manwaring, Dearborn County	William Jones, Knox County
	Walter Wilson, Knox County

Representatives

John Paul, Clark County	John Templeton, Dearborn County
Thomas Downs, Clark County	County
Richard Rue, Dearborn County	Dennis Pennington, Harrison County
Ephraim Overman, Dearborn County	Peter Jones, Knox County
	John Caldwell, Knox County
	General Washington Johnston, Knox County

Officers

Henry Hurst, Clerk to Legislative Council  
 James Noble, Clerk to House of Representatives  
 George R. C. Sullivan, Assistant Clerk to House of Representatives  
 John McCandless, Doorkeeper

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<sup>1</sup> Hadden's name does not appear in the Journal, nor is there any record that he received pay as a representative, but he was elected to represent Knox County. Vincennes *Western Sun*, May 27, July 8, 1809. He was also announced as a candidate for the next session. *Ibid.*, March 3, April 7, 1810.

*Second Session: November 11-December 19, 1811*

Legislative Councilors

James Beggs, Clark County	John Harbison, Harrison County
Solomon Manwaring, Dearborn County	William Jones, Knox County <sup>1</sup>
Walter Wilson, Knox County	

Representatives

Thomas Downs, Clark County <sup>2</sup>	William McFarland, Jefferson County
James Dill, Dearborn County	John Caldwell, Knox County
John Templeton, Franklin County	Peter Jones, Knox County
William Hoggatt, Harrison County <sup>3</sup>	General Washington Johnston, Knox County <sup>4</sup>
Richard Rue, Wayne County	

Officers

George R. C. Sullivan, Clerk to Legislative Council  
 John Johnson, Clerk to House of Representatives  
 Robert M. Evans, Doorkeeper

FOURTH GENERAL ASSEMBLY

*First Session: February 1-March 12, 1813*

Legislative Councilors

James Beggs, Clark County	John Harbison, Harrison County
Solomon Manwaring, Dearborn County	John Johnson, Knox County
Walter Wilson, Knox County	

<sup>1</sup> Jones resigned sometime before January 16, 1813; John Johnson was elected on that date to serve the remainder of his term. Vincennes *Western Sun*, January 23, 1813.

<sup>2</sup> On November 19 Downs was granted a leave of absence for the remainder of the session on account of "endisposition." Territorial House Journal.

<sup>3</sup> Hoggatt was seated and his credentials accepted. Dennis Pennington contested his right to the seat and on November 16 the House decided that neither Hoggatt nor Pennington was entitled to a seat. Pennington had been elected in 1810 for a two-year term. The necessity for an election in 1811 may have been due to Pennington's temporary removal from the county. Martin West was recommended to succeed Pennington as justice of the peace because of the latter's removal. Territorial House Journal; J. George Pfrimmer, Moses Boone, and 15 others to Governor Harrison, May[?], 1811, in office of Secretary of State, Indiana.

<sup>4</sup> Johnston resigned at the close of the session. His term would have expired the first Monday of August, 1812. Vincennes *Western Sun*, December 28, 1811.



## Representatives

James Scott, Clark County <sup>1</sup>	William McFarland, Jefferson County <sup>2</sup>
James Dill, Dearborn County <sup>2</sup>	David Robb, Knox County
James Noble, Franklin County	Daniel McClure, Knox County
Dennis Pennington, Harrison County	Robert M. Evans, Knox County <sup>4</sup>
James Brown, Wayne County	

## Officers

George R. C. Sullivan, Clerk to Legislative Council  
 William Hendricks, Clerk to House of Representatives  
 Benjamin Adams, Doorkeeper to House of Representatives (3 days)<sup>5</sup>  
 Mark Barnett, Doorkeeper

*Second Session:* December 6, 1813-January 6, 1814

## Legislative Councilors

James Beggs, Clark County	John Harbison, Harrison County
Solomon Manwaring, Dearborn County	John Johnson, Knox County
Walter Wilson, Knox County	

## Representatives

John Douthitt, Clark County	William Hendricks, Jefferson County
Isaac Dunn, Dearborn County <sup>6</sup>	Daniel McClure
James Noble, Franklin County	David Robb
Dennis Pennington, Harrison County	Isaac Montgomery
James Brown, Wayne County	

} Knox, Gibson  
and Warrick  
} counties

## Officers

George R. C. Sullivan, Clerk to Legislative Council  
 Isaac Blackford, Clerk to House of Representatives  
 Patrick Shields, Doorkeeper

<sup>1</sup> Scott resigned his seat on February 25, 1813, to accept a judgeship of the general court. Territorial House Journal.

<sup>2</sup> Dill resigned sometime before September 10, 1813. Territorial *Executive Journal*, 201.

<sup>3</sup> McFarland resigned sometime before September 18, 1813. His successor was to be elected on November 1. *Ibid.*, 202.

<sup>4</sup> Evans resigned before September 11, 1813. An election for his successor was ordered held on November 1. *Ibid.*, 201-2.

<sup>5</sup> Adams was the choice of the House but the Council refused to concur in his appointment. Territorial House Journal.

<sup>6</sup> Dunn resigned sometime between January 6 and June 1, 1814. Jesse L. Holman was elected to complete the term.

*Special Session of House of Representatives: June 1, 1814<sup>1</sup>*

John Douthitt, Clark County	William Hendricks, Jefferson County	} Knox, Gibson and Warrick counties
Jesse L. Holman, Dearborn County	Daniel McClure	
James Noble, Franklin County	David Robb	
Dennis Pennington, Harrison County	Isaac Montgomery	

James Brown, Wayne County

Officer

Isaac Blackford, Clerk

## FIFTH GENERAL ASSEMBLY

*First Session: August 15-September 10, 1814*

Legislative Councilors

Jesse L. Holman, Dearborn and Jefferson counties<sup>2</sup>  
 John Test, Franklin and Wayne counties  
 David Robb, Gibson and Warrick counties  
 John Harbison, Harrison and Clark counties  
 John Johnson, Washington and Knox counties

Representatives

Charles Beggs, Clark County <sup>3</sup>	William Hendricks, Jefferson County <sup>4</sup>
Ezra Ferris, Dearborn County	William Polke, Knox County
James Noble, Franklin County	Ratliff Boon, Warrick County
James Smith, Gibson County	Marston G. Clark, Washington County
Dennis Pennington, Harrison County	James Brown, Wayne County <sup>5</sup>

<sup>1</sup> The special session was called by Governor Posey to reapportion the territory for the election of councilors. See *ante*, 68.

<sup>2</sup> On September 14, 1814, Holman was appointed presiding judge of the Second Judicial Circuit. An election for his successor in the Council was ordered held in January, 1815. *Territorial Executive Journal*, 219, 223.

<sup>3</sup> Alexander Buckner first appeared as Clark County's representative, but his credentials were not accepted. Beggs was elected at a special election held on August 27. *Territorial House Journal*; *territorial Executive Journal*, 216.

<sup>4</sup> Hendricks was appointed attorney for the United States in the territory on November 2, 1814. William H. English in his manuscript notes gives February 4, 1815, as the date of his resignation from the legislature.

<sup>5</sup> Brown died sometime before the session of 1815; Joseph Holman was elected to serve the remainder of his term.

## Officers

George R. C. Sullivan, Clerk to Legislative Council  
 Isaac Blackford, Clerk to House of Representatives  
 Alpheus Branham, Doorkeeper

*Second Session:* December 4-28, 1815

## Legislative Councilors

Solomon Manwaring, Dearborn, Jefferson, and Switzerland counties  
 James Noble, Franklin and Wayne counties  
 David Robb, Gibson and Warrick counties  
 John Harbison, Harrison and Clark counties  
 John Johnson, Washington and Knox counties

## Representatives

Charles Beggs, Clark County	William Polke, Knox County
Ezra Ferris, Dearborn County	Peter Wilkinson, Perry and Posey counties
David Mount, Franklin County	Elisha Golay, Switzerland County
James Smith, Gibson County	Ratliff Boon, Warrick County
Dennis Pennington, Harrison County	Marston G. Clark, Washington County
Christopher Harrison, Jefferson County	Joseph Holman, Wayne County

## Officers

George R. C. Sullivan, Clerk to Legislative Council  
 William Hendricks, Clerk to House of Representatives  
 Henry Batman, Doorkeeper

## CLARK COUNTY

[Formed by proclamation of governor, February 3, 1801.]

## LEGISLATIVE COUNCILORS

Samuel Gwathmey—1 Assembly, 1 and 2 sessions (1805, 1806); 2  
 Assembly, 1 and 2 sessions (1807, 1808)<sup>1</sup>

<sup>1</sup> On December 8, 1807, Gwathmey was appointed register of the land office at Jeffersonville. A law had just been passed at the 1807 session making persons who held commissions under the United States ineligible to the legislature. Previous to the meeting of the next General Assembly, Gwathmey sent his resignation as councilor to Governor Harrison, but when the session opened with only three members of the Council present and a probability that one of those would vacate his seat, Harrison returned the

- Hugh McCalla (McCally)—Appointed; did not serve.<sup>1</sup>  
 Thomas Downs—Rump session (1809)  
 James Beggs—3 Assembly, 1 and 2 sessions (1810, 1811); 4 Assembly, 1 and 2 sessions (1813, 1813-14)  
 John Harbison—5 Assembly, 1 and 2 sessions (1814, 1815)

## REPRESENTATIVES

- Davis Floyd—1 Assembly, 1 and 2 sessions (1805, 1806)  
 James Beggs—2 Assembly, 1 and 2 sessions (1807, 1808); Rump session (1809)  
 John Work—Rump session (1809)  
 John Paul—3 Assembly, 1 session (1810)  
 Thomas Downs—3 Assembly, 1 and 2 sessions (1810, 1811)  
 James Scott—4 Assembly, 1 session (1813)  
 John Douthitt—4 Assembly, 2 session (1813-14)  
 Charles Beggs—5 Assembly, 1 and 2 sessions (1814, 1815)

## COURT OF GENERAL QUARTER SESSIONS

- John Gibson—February 4, 1801-January 1, 1806  
 Charles P. Tuley—February 4, 1801. Died before September 29, 1802.  
 William Harwood—February 4, 1801-January 1, 1806  
 Marston G. Clark—February 4, 1801. Removed from county before December 21, 1805.  
 Abraham Huff—February 4, 1801-January 1, 1806  
 James Noble Wood—February 4, 1801-January 1, 1806  
 Thomas Downs—February 4, 1801-January 1, 1806  
 William Goodwin—February 4, 1801-January 1, 1806  
 Nicholas Harrison—September 30, 1803-January 1, 1806  
 George Newland—November 21, 1803-January 1, 1806  
 Job Guest—September 22, 1804-January 1, 1806

<sup>1</sup> Hugh McCalla (McCally) and Charles Beggs were nominated by the House of Representatives to fill the vacancy created by Gwathmey's resignation. McCalla received a recess appointment from the president on April 14, 1809, which was confirmed by the Senate on June 21. He did not serve, for the office was made elective by a federal law of February 27, 1809, and the first election took place in the territory on May 25. Territorial House Journal, October 6, 1808; U. S. Senate, *Executive Journal*, 2:122, 125; Esarey (ed.), *Messages and Letters*, 1:314; Appointment Office Files, State Department, Washington.

resignation to Gwathmey and urged him to attend the session for a week or two to prevent a dissolution. Gwathmey declined, however, and nominations were made to fill the vacancy. Esarey (ed.), *Messages and Letters*, 1:311, 312-15, 320.

## COURT OF COMMON PLEAS

- Marston G. Clark—February 4, 1801. Removed from county before December 21, 1805.  
 Abraham Huff—February 4, 1801-January 1, 1806  
 James Noble Wood—February 4, 1801-January 1, 1806  
 Thomas Downs—February 4, 1801. Resigned before April 29, 1811.  
 William Goodwin—February 4, 1801. Resigned before August 7, 1811.  
 Evan Shelby—December 21, 1805-December 31, 1813  
 Daniel Graham—April 29, 1811. Resigned before November 4, 1812.  
 Rezin Redman—August 7, 1811-December 31, 1813  
 John Miller—November 4, 1812-December 31, 1813

## PROBATE COURT

- Jesse Rowland—February 4, 1801. Resigned before May 5, 1802.  
 Hugh Espy<sup>1</sup>—May 5, 1802-January 1, 1806

## ASSOCIATE JUDGES OF CIRCUIT COURT

- Evan Shelby—January 7, 1814-September 17, 1814  
 Rezin Redman—January 7, 1814-September 17, 1814  
 John Miller—January 7, 1814-May 18, 1816  
 William Goodwin—September 17, 1814-February 24, 1817. Continued under state government.  
 Robert A. New—May 18, 1816-November 1, 1816. Resigned.

## PROSECUTING ATTORNEYS

- James Scott—December 14, 1810  
 John F. Ross—October 7, 1812  
 Henry Hurst—November 8, 1814

JUSTICES OF THE PEACE<sup>2</sup>

- James Lemon—January 25, 1806  
 Patrick Shields—July 19, 1806  
 Aquilla Rogers—July 22, 1806  
 John Douthitt—December 1, 1806  
 Robert McIntire—April 27, 1807  
 John Smith—June 30, 1807  
 Dennis Pennington—July 10, 1807  
 John Rychart—August 22, 1807

<sup>1</sup>The territorial *Executive Journal*, 109, gives the name as David Espy. The records of the court show that the appointment was held by Hugh Espy.

<sup>2</sup>Judges of the court of General Quarter Sessions were also justices of the peace.



Charles Johnson—September 9, 1807  
James Smock—November 3, 1807  
William Vawter—May 18, 1808. Resigned before July 16, 1808.  
John Beggs—June 29, 1808  
Jacob Zenor—July 6, 1808  
John Vawter—July 16, 1808  
Absalom Littell (Little)—October 27, 1808  
James Brown—November 3, 1808. Removed from territory before May 20, 1810.  
John Hay—May 10, 1809  
Edmund H. Taylor—February 14, 1810  
Andrew Gelwick—May 23, 1810  
Samuel McKinley—July 11, 1810  
John Thomas Chunn—November 14, 1810  
James McConnell—December 6, 1810  
James McCampbell—December 18, 1810  
Jesse Henly—March 4, 1811. Declined to serve.  
John H. Thompson—April 17, 1811  
James Ferguson—May 21, 1811  
John Parvin—May 29, 1811  
Salmon Fuller—August 20, 1811  
Abraham Kimberlin—December 16, 1811  
John Weathers—January 1, 1812  
Samuel Gwathmey—February 26, 1812  
Joseph Bower—March 16, 1812<sup>1</sup>  
John Davis—Appointed before March 29, 1812.<sup>2</sup>  
Willis W. Goodwin—December 22, 1812  
John Prather—January 22, 1813  
David Fouts—February 11, 1813  
William Montgomery—February 11, 1813  
David Fanisin—February 18, 1813  
James McKay (McCay, McCoy)—April 22, 1814  
John T. Littell (Little)—October 7, 1814  
John Hilton—November 4, 1814  
Nathaniel Scribner—January 13, 1815  
George Ross—January 26, 1815  
John Deitz (Dietz)—February 25, 1815  
Joseph Jacobs—February 27, 1815

<sup>1</sup> The name appears as "Bowen" in the printed copy of the territorial *Executive Journal*, 180, but in the manuscript copy it is "Bower." It also appears as "Bower" on the recommendation sent the governor for his appointment.

<sup>2</sup> Davis' signature as justice of the peace appears on a court document of this date. His appointment is not given in the territorial *Executive Journal*.

Henry Aborne—March 18, 1815. Died before October 1, 1816.<sup>1</sup>  
 Absalom Littell (Little), Jr.[?]-March 6, 1816  
 Bennet Nugent—March 28, 1816  
 Spencer Hagglin—April 18, 1816  
 James A. Prewitt—May 18, 1816  
 William H. Lilly—May 25, 1816  
 Amos Goodwin—August 7, 1816  
 Jacob S. Holt—September 28, 1816  
 Samuel Merriwether—October 15, 1816  
 Richard Aston—Appointed before December 8, 1816.<sup>2</sup>

## CLERKS OF COUNTY COURT

Samuel Gwathmey—February 4, 1801-January 21, 1811 [?]  
 Isaac Shelby—January 21, 1811-February 24, 1817. Continued  
 under state government.

## SHERIFFS

Samuel Hay—February 4, 1801-September 17, 1802 [?]  
 Davis Floyd—September 17, 1802. Resigned by December 12, 1806.  
 Willis W. Goodwin—December 12, 1806. Resigned before July 10,  
 1811.  
 James Lemon—July 10, 1811. Resigned before December 29, 1813.  
 John Weathers—December 29, 1813-December 30, 1816. Continued  
 under state government.

## CORONERS

Peter McDonald—February 4, 1801-December 25, 1802 [?]  
 John McClintoch—December 25, 1802. Resigned before July 7,  
 1805.  
 James Ferguson—July 7, 1805-December 1, 1806[?]  
 Peter Stacy—December 1, 1806. Died before July 11, 1810.  
 Marston G. Clark—July 11, 1810-August 20, 1811[?]  
 Martin Huckleberry—August 20, 1811-December 30, 1816

## RECORDERS OF DEEDS

Davis Floyd—February 4, 1801-September 17, 1802  
 Isaac Shelby—September 17, 1802. Resigned before March 8, 1806.  
 Samuel Gwathmey—March 8, 1806-January 21, 1811[?]  
 Isaac Shelby—January 21, 1811-February 24, 1817

<sup>1</sup> Letters of administration for the settlement of his estate were granted his wife on this date. Will Record A, Clark County, 162.

<sup>2</sup> His signature as justice of the peace appears on a legal document of this date. His appointment is not given in the territorial *Executive Journal*.

## DEARBORN COUNTY

[Formed by proclamation of governor, March 7, 1803.]

## LEGISLATIVE COUNCILORS

Benjamin Chambers—1 Assembly, 1 and 2 sessions (1805, 1806) ; 2 Assembly, 1 and 2 sessions (1807, 1808)<sup>1</sup>  
 Solomon Manwaring—Rump session (1809) ; 3 Assembly, 1 and 2 sessions (1810, 1811) ; 4 Assembly, 1 and 2 sessions (1813, 1813-14) ; 5 Assembly, 2 session (1815)  
 Jesse L. Holman—5 Assembly, 1 session (1814)

## REPRESENTATIVES

Jesse B. Thomas—1 Assembly, 1 and 2 sessions (1805, 1806) ; 2 Assembly, 1 and 2 sessions (1807, 1808)  
 Richard Rue—Rump session (1809) ; 3 Assembly, 1 session (1810)  
 Ephraim Overman—Rump session (1809) ; 3 Assembly, 1 session (1810)  
 John Templeton—3 Assembly, 1 session (1810)  
 James Dill—3 Assembly, 2 session (1811) ; 4 Assembly, 1 session (1813)  
 Isaac Dunn—4 Assembly, 2 session (1813-14)  
 Jesse L. Holman—House session (1814)  
 Ezra Ferris—5 Assembly, 1 and 2 sessions (1814, 1815)

## COURT OF GENERAL QUARTER SESSIONS

Benjamin Chambers—March 7, 1803-January 1, 1806  
 John Brownson—March 7, 1803-January 1, 1806  
 Jeremiah Hunt—March 7, 1803-January 1, 1806  
 Jabez Percival—March 7, 1803-January 1, 1806  
 Barent Hulick—March 7, 1803-January 1, 1806  
 Richard Stevens—March 7, 1803-January 1, 1806  
 William Cotton—September 8, 1804-January 1, 1806

## ORPHANS COURT

Benjamin Chambers—March 7, 1803-January 1, 1806  
 John Brownson—March 7, 1803-January 1, 1806  
 Jeremiah Hunt—March 7, 1803-January 1, 1806  
 Jabez Percival—March 7, 1803-January 1, 1806  
 Barent Hulick—March 7, 1803-January 1, 1806  
 Richard Stevens—March 7, 1803-January 1, 1806

## COURT OF COMMON PLEAS

Benjamin Chambers—March 7, 1803. Resigned before December 14, 1810.  
 John Brownson—March 7, 1803-January 1, 1806

<sup>1</sup> See *ante*, 825, n. 2.

Jeremiah Hunt—March 7, 1803-January 1, 1806  
 Jabez Percival—March 7, 1803-January 1, 1806  
 Barent Hulick—March 7, 1803. Resigned before July 4, 1809.  
 Richard Stevens—March 7, 1803-January 1, 1806  
 William Major—December 14, 1805-December 31, 1813  
 Jabez Percival—July 4, 1809-December 31, 1813  
 Solomon Manwaring—December 14, 1810-November 9, 1811. Re-  
 signed.  
 Isaac Dunn<sup>1</sup>—March 17, 1812-December 31, 1813

#### PROBATE COURT

John Brownson—March 7, 1803-January 1, 1806

#### ASSOCIATE JUDGES OF CIRCUIT COURT

William Major—January 6, 1814-February 14, 1817  
 Isaac Dunn—January 6, 1814-February 14, 1817  
 Solomon Manwaring—January 6, 1814-March 31, 1814[?]  
 Roger Brown—March 31, 1814-September 16, 1814

#### PROSECUTING ATTORNEYS<sup>2</sup>

James Dill—December 14, 1810  
 Jesse L. Holman—May 28, 1811

#### JUSTICES OF THE PEACE<sup>3</sup>

William Major—March 7, 1803  
 James McCarty—March 7, 1803  
 Jonathan McCarty—August 30, 1803; reappointed August 22, 1807.  
 Justus Gibbs—April 11, 1806  
 James Adair, Sr.—April 11, 1806; reappointed July 19, 1806.  
 Benjamin Drake—April 11, 1806  
 John Templeton—April 11, 1806  
 Richard Rue—April 11, 1806  
 John Levingston—December 24, 1806. Died before January 3, 1810.  
 Samuel Fulton—December 24, 1806  
 Benjamin M. Piatt—September 14, 1807  
 George Craig—September 15, 1807  
 William Wilson—December 2, 1807  
 Enoch McCarty—March 17, 1808  
 Thomas T. Gayness—June 12, 1808

<sup>1</sup> Dunn's appointment is not given in the territorial *Executive Journal*, but on the back of a petition recommending Joseph Bower as justice of peace in Clark County, there appears the following indorsement in Secretary Gibson's hand: "Isaac Dunn a judge Dearborn Cty 17th March 1812." Petition of February 25, 1812, in office of Secretary of State.

<sup>2</sup> The list is not complete.

<sup>3</sup> See *ante*, 832, n. 2.

Chambers Foster—June 12, 1808  
 David Hoover—January 16, 1809  
 John Clendenning—March 16, 1809  
 Jeremiah Meek—October 21, 1809  
 Jesse Davenport—October 21, 1809  
 John Ireland—October 21, 1809  
 Abraham Elliott—October 21, 1809  
 John Cox—October 21, 1809  
 Stanhope Royster (Roister)—October 21, 1809  
 Lewis Jones—April 10, 1810  
 William Dubois—June 13, 1810  
 William Ross, Sr.—July 3, 1810  
 James Allen<sup>1</sup>—August 28, 1810  
 Moses Wiley—March 4, 1811  
 Timothy Davis—December 10, 1811. Resigned before May 15, 1816.  
 Amos Boardman—December 10, 1811  
 Ezekiel Jackson—December 10, 1811  
 Isaac Polk—March 17, 1812  
 William Caldwell—February 20, 1813  
 Daniel Lynn—February 20, 1813  
 Ezra Guard—September 11, 1813  
 George Nichols—January 25, 1814  
 Alexander White—January 25, 1814  
 John Walker—September 3, 1814  
 Levi Miller—May 19, 1815  
 Robert Miller—May 19, 1815  
 Spencer Wiley—July 29, 1815  
 John Dawson—July 31, 1815  
 James Blackhouse—March 7, 1816  
 William Purcell—March 7, 1816  
 Ezra Ferris—March 7, 1816  
 Charles L. Brasher—May 25, 1816

## CLERKS OF COUNTY COURT

Samuel C. Vance—March 7, 1803-September 10, 1813[?]  
 James Dill—September 10, 1813-February 14, 1817. Continued  
 under state government.

## SHERIFFS

David Lamphere—August 23, 1803. Removed from county before  
 November 23, 1804.  
 James Hamilton—November 23, 1804-December 30, 1816<sup>2</sup>

<sup>1</sup> John Allen was recommended for the appointment on July 20, 1810. Letter in office of Secretary of State.

<sup>2</sup> Under date of March 15, 1811, the following entry appears in the territorial *Executive Journal*: "——— appointed sheriff of Dearborn County vice ——." This would seem to indicate



## CORONERS

Jonathan White—March 7, 1803. Resigned before August 13, 1805.  
 Justus Gibbs—August 13, 1805-December 2, 1807[?]  
 Jacob Horner—December 2, 1807-July 29, 1815[?]  
 Solomon Manwaring—July 29, 1815-December 30, 1816<sup>1</sup>

## RECORDERS OF DEEDS

James Dill—March 7, 1803-August 30, 1803[?]  
 James Hamilton—August 30, 1803-February 14, 1817

## FRANKLIN COUNTY

[Formed by statute of November 27, 1810, effective January 1, 1811.]

LEGISLATIVE COUNCILORS<sup>2</sup>

John Test—5 Assembly, 1 session (1814)  
 James Noble—5 Assembly, 2 session (1815)

## REPRESENTATIVES

John Templeton—3 Assembly, 2 session (1811)  
 James Noble—4 Assembly, 1 and 2 sessions (1813, 1813-14); 5  
 Assembly, 1 session (1814)  
 David Mount—5 Assembly, 2 session (1815)

## COURT OF COMMON PLEAS

Benjamin McCarty—December 14, 1810-December 31, 1813  
 John Templeton—December 14, 1810-July [?] 1811<sup>3</sup>  
 Thomas Brown—December 14, 1810-December 31, 1813  
 Joshua Harlan<sup>4</sup>—May 24, 1812-December 31, 1813

<sup>1</sup> As a member of the Legislative Council in 1815, it was illegal for Manwaring to hold also the office of coroner. No mention is made in the territorial *Executive Journal* of the appointment of a successor.

<sup>2</sup> Prior to 1814 Franklin County was represented in the Council by Solomon Manwaring of Dearborn County.

<sup>3</sup> The last term of court at which Templeton was present was in July, 1811. Minute Book for the Court of Common Pleas, Franklin County.

<sup>4</sup> On December 18, 1811, Governor Harrison gave instructions for holding an election for a judge in Franklin County. In a letter of January 25, 1812, Judges Brown and McCarty reported that Joshua Harlan had received a majority of votes but that his election was contested on the ground that he had not been a resident for one

that Hamilton resigned the office before that date, but on September 10, 1813, a writ of election was issued to him as sheriff, and the Treasurer's Account Book, 1806-15, shows that he served as sheriff during 1811, 1812, and 1813.

## ASSOCIATE JUDGES OF CIRCUIT COURT

Benjamin McCarty—January 6, 1814-September 16, 1814  
 Thomas Brown—January 6, 1814-September 16, 1814  
 Joshua Harlan—January 6, 1814-September 16, 1814  
 John Whitworth—September 16, 1814-February 14, 1817  
 Arthur Dickson—September 16, 1814. Did not accept.  
 Benjamin Smith—September 21, 1814-December 16, 1815[?]  
 William H. Eads—December 16, 1815-February 14, 1817

## PROSECUTING ATTORNEYS

James Noble—December 14, 1810  
 Elijah Sparks—December 22, 1812<sup>1</sup>  
 James Noble—May 16, 1814  
 James Dill—August 15, 1814  
 James Noble—October 10, 1814  
 Amos Lane—June 15, 1815  
 James Noble—March 11, 1816  
 Stephen C. Stevens—June 10, 1816

## JUSTICES OF THE PEACE

John Creek—December 6, 1810  
 Eli Henderson—December 6, 1810  
 John Baker—December 6, 1810  
 John Allen—December 13, 1810  
 John Cox—December 13, 1810  
 Jeremiah Meek—December 13, 1810  
 Abraham Elli (Ely)—December 13, 1810  
 Isaac East—December 13, 1810  
 Samuel Rockafellar—March 4, 1811  
 John Hall—March 4, 1811  
 Andrew Tharp—March 4, 1811  
 Benjamin Smith—March 4, 1811  
 John Ewing—March 4, 1811  
 Isaac Wilson—March 4, 1811  
 John Fugit—March 4, 1811  
 Stanhope Royster—April 12, 1811

<sup>1</sup> The territorial *Executive Journal*, 188, records the appointment of James Sparks, but the county records show that the office was held by Elijah Sparks.

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year and that he had not paid either a county or territorial tax. Harrison ordered a commission to be made out for him on March 20, but for some reason it was not done until May 24. Benjamin McCarty and Thomas Brown to Harrison, in office of Secretary of State; Harrison to Gibson, May [?], 1812, in English Manuscripts, Indiana Historical Society.

William T. Huff—December 16, 1811  
 Nicholas Reagan—May 24, 1812  
 William Helm—May 24, 1812  
 John Bradburn—February 2, 1813  
 John Quick—December 10, 1813  
 John Whitworth—December 10, 1813  
 John Brison<sup>1</sup>—June 24, 1814  
 William Dubois—November 8, 1814  
 John Hamia (Hanna?)—November 8, 1814  
 Ebenezer Howe—July 29, 1815  
 Israel W. Bonham—July 29, 1815  
 Jonathan Stout—July 29, 1815  
 Matthew Sparks—December 16, 1815  
 Edmond Harrison—March 16, 1816  
 Sandford Keeler—June 1, 1816  
 Thomas Winscott—June 1, 1816  
 James Winchell—Appointed before March 14, 1815.<sup>2</sup>

## CLERKS OF COUNTY COURT

Enoch McCarty—December 18, 1810<sup>3</sup>-September 21, 1814[?]  
 John R. Beaty—September 21, 1814. Died before June 12, 1815.  
 John Test—June 12, 1815-February 14, 1817

## SHERIFF

Robert Hanna, Jr.—December 18, 1810-December 30, 1816. Continued under state government.

## CORONERS

Anthony Halberstadt—March 4, 1811-July 29, 1815[?]  
 John Winchell—July 29, 1815-December 30, 1816

## RECORDER OF DEEDS

Enoch McCarty—December 18, 1810-February 14, 1817

## GIBSON COUNTY

[Formed by statute of March 9, 1813, effective April 1, 1813.]

LEGISLATIVE COUNCILOR<sup>4</sup>

David Robb—5 Assembly, 1 and 2 sessions (1814, 1815)

<sup>1</sup> The name appears as Briscoe in the territorial *Executive Journal*, 214.

<sup>2</sup> Winchell signed a certificate as justice of the peace March 14, 1815. Sheriff's Receipts, Franklin County Courthouse.

<sup>3</sup> The county judges filled in the name of Enoch McCarty as clerk and recorder, on blank commissions of December 18. Letter of February 13, 1811, in office of Secretary of State.

<sup>4</sup> Knox County councilors represented Gibson in the session of 1813-14.

REPRESENTATIVE<sup>1</sup>

James Smith—5 Assembly, 1 and 2 sessions (1814, 1815)

## COURT OF COMMON PLEAS

William Harrington—April 1, 1813-December 31, 1813

Isaac Montgomery—April 1, 1813-November 20, 1813[?]

Daniel Putnam—April 1, 1813-December 31, 1813

Joseph Montgomery—November 20, 1813-December 31, 1813

## ASSOCIATE JUDGES OF CIRCUIT COURT

William Harrington—January 7, 1814-September 14, 1814

Joseph Montgomery—January 7, 1814-September 14, 1814

Daniel Putnam—January 7, 1814-September 14, 1814

Willis C. Osbourne—September 14, 1814-September 25, 1816. Resigned.

Jesse Emerson—September 14, 1814-February 24, 1817

PROSECUTING ATTORNEYS<sup>2</sup>

John Johnson—April 1, 1813

William Prince—November 6, 1813

JUSTICES OF THE PEACE<sup>3</sup>

David Robb—May 25, 1813. Declined the office.

John Johnson—May 25, 1813

John Braselton—May 25, 1813

Hazeal Putnam—May 25, 1813

Jesse Emerson—May 25, 1813

Anthony Griffin—May 25, 1813

Thomas Montgomery—May 25, 1813

Joseph Montgomery—May 25, 1813

Robert Allen—May 25, 1813

John Milburn—June 15, 1813

Hosea Smith—June 15, 1813

John Marshall—June 15, 1813

John Waller—November 20, 1813

Edmund Hogan—March 27, 1814

Gervas Hazleton—March 27, 1814

John McCrery—May 12, 1815

<sup>1</sup> At the session which met in December, 1813, and January, 1814, the three representatives elected from Knox County in 1812 represented the combined counties of Knox, Gibson, and Warrick.

<sup>2</sup> The list is not complete.

<sup>3</sup> Those justices of the peace formerly appointed to Knox County and living in the part that became Gibson and Warrick counties were continued as justices for the new counties. *Territorial Executive Journal*, 192-93.

## 842 INDIANA HISTORICAL COLLECTIONS

George H. Routt—March 7, 1816. Reappointed April 20, 1816.

Adam Hope—May 28, 1816

Thomas J. Walters—August 29, 1816

### CLERKS OF COUNTY COURT

Albert Badollet—April 1, 1813. Resigned before August 9, 1813.

Robert M. Evans—September 4, 1813-February 24, 1817. Continued under state government.

### SHERIFFS

James Crow—April 1, 1813. Died before May 12, 1815.

James Crow, Jr.—May 12, 1815-October 15, 1816[?]

Henry Hopkins—October 15, 1816-December 30, 1816. Continued under state government.

### CORONERS

Henry Hopkins—April 1, 1813. Resigned before May 25, 1813.

John Barker—May 25, 1813. Resigned before May 12, 1815.

Thomas Spencer—May 12, 1815-December 30, 1816. Continued under state government.

### RECORDERS OF DEEDS

Albert Badollet—April 1, 1813-September 4, 1813[?]

Robert M. Evans—September 4, 1813-February 24, 1817. Continued under state government.

## HARRISON COUNTY

[Formed by statute of October 11, 1808, effective December 1, 1808.]

### LEGISLATIVE COUNCILORS

Harvey Heth—Rump session (1809)

John Harbison—3 Assembly, 1 and 2 sessions (1810, 1811); 4 Assembly, 1 and 2 sessions (1813, 1813-14); 5 Assembly, 1 and 2 sessions (1814, 1815)

### REPRESENTATIVES

Moses Hoggatt—Rump session (1809)

Dennis Pennington—3 Assembly, 1 session (1810)

William Hoggatt—3 Assembly, 2 session (1811)<sup>1</sup>

Dennis Pennington—4 Assembly, 1 and 2 sessions (1813, 1813-14); 5 Assembly, 1 and 2 sessions (1814, 1815)

### COURT OF COMMON PLEAS

Patrick Shields—December 8, 1808-December 31, 1813

John George Pfrimmer—December 8, 1808-April 13, 1812[?]

Moses Boone—December 8, 1808-December 31, 1813

Peter McIntosh—April 13, 1812-December 31, 1813

<sup>1</sup> See *ante*, 827, n. 3.



## ASSOCIATE JUDGES OF CIRCUIT COURT

Patrick Shields—January 7, 1814-February 24, 1817. Continued under state government.

Moses Boone—January 7, 1814-September 16, 1814

Peter McIntosh—January 7, 1814-September 16, 1814

Daniel C. Lane—September 16, 1814-November 28, 1816. Resigned.

## PROSECUTING ATTORNEYS

Thomas Randolph—January 31, 1811

George F. Pope—August 9, 1811

John F. Ross—February 17, 1813

Henry Hurst—November [?], 1814

JUSTICES OF THE PEACE<sup>1</sup>

Dennis Pennington—November 3, 1808; January 15, 1814

John Smith—November 3, 1808

John Boone—November 3, 1808. Resigned June 20, 1816;<sup>2</sup> reappointed September 7, 1816.

John Oatman—January 13, 1809

Moses Hoggatt—January 16, 1809

William D. Littell—January 17, 1809

William Erwin—July 22, 1809

James Young—October 21, 1809

James Jack<sup>3</sup>—December 30, 1809

Thomas Davis—April 5, 1810

Pierce Chamberlin (Chamberlain)—June 12, 1810

Jacob Zenor—Appointed before October 4, 1810.<sup>4</sup>

Zachariah Lindley—March 11, 1811

John Dougherty—March 11, 1811

Robert Capland (Catlin?)<sup>5</sup>—March 26, 1811

James McGee<sup>6</sup>—March 26, 1811

<sup>1</sup> On January 3, 1809, Harrison ordered three blank commissions made out for justices of the peace. It is not known who received these. Harrison to Gibson, in English Manuscripts, Indiana Historical Society.

<sup>2</sup> Boone to Governor Posey, June 20, 1816, in English Manuscripts, Indiana Historical Society.

<sup>3</sup> The signature of Samuel Jack as justice of the peace appears in the Marriage Records of Harrison County, January 7, 1813.

<sup>4</sup> Zenor signed as justice of the peace, Harrison County, in performing a marriage on October 4, 1810. He had formerly been appointed to that office in Clark County.

<sup>5</sup> A Robert Catlin signed as justice of the peace on May 26, 1812, in Marriage Records, Harrison County.

<sup>6</sup> McGee's given name is left blank in the territorial *Executive Journal*. A James McGee signed as justice of the peace on November 11, 1812, in Deed Record Book A, Harrison County, page 50.

William Branham—April 26, 1811  
 Martin West—May 21, 1811  
 Jesse Spurgin—May 21, 1811  
 John Tipton—June 20, 1811. Resigned June 3, 1812.<sup>1</sup>  
 John Wright—November 19, 1811  
 Caleb Newman—December 16, 1811  
 Samuel Lewis—December 16, 1811  
 John M. Adams—April 13, 1812  
 Robert Ellison—April 27, 1812  
 Nathaniel Veach—June 17, 1812  
 Samuel Reaugh (Reauch)—June 17, 1812<sup>2</sup>  
 John Morgan—February 27, 1813  
 Nathan Taylor—January 7, 1814  
 David Craig—January 15, 1814  
 Joseph Culton—January 25, 1814  
 Thomas McKee—May 14, 1814  
 James Rawlins—August 16, 1814  
 Martin H. Tucker—August 16, 1814  
 Elijah Hurst—August 16, 1814  
 William Watson—January 21, 1815  
 Henry Green—February 2, 1815  
 Henry Barker—June 17, 1815  
 Thompson Kindle—October 23, 1815  
 Absalom Hart—January 26, 1816  
 Joseph Blackburn—March 25, 1816  
 George Crutchfield—April 13, 1816  
 Richard French—May 25, 1816  
 James Riley—September 7, 1816

CLERKS OF COUNTY COURT<sup>3</sup>

George F. Pope—January 17, 1809-February 6, 1811  
 Richard M. Heth—February 11, 1811-February 24, 1817. Con-  
 tinued under state government.

<sup>1</sup> Letter of Tipton to Governor Harrison, June 3, 1812. English Manuscripts, Indiana Historical Society.

<sup>2</sup> The last name is omitted in the printed copy of the territorial *Executive Journal*. In the manuscript copy sent to Washington, it appears as "Reauch," while on the recommendation sent the governor for his appointment it is "Reaugh."

<sup>3</sup> Harrison wrote on January 4, 1809, to the judges of the court of common pleas, as follows: "I received some time ago a recommendation from a committee of deligates . . . of your county recommending persons to fill the civil offices of the county—Within a very short time after I received it, I was taken so ill that my recovery was for some time extremely doubtful, but ill as I was I was not unmindful of your situation & I directed commissions to be made out conformably to the recommendations of the committee.

## SHERIFFS

Spier Spencer—December 8, 1808. Killed in Battle of Tippecanoe, November 7, 1811.

John Hurst, Jr.—January 30, 1812-May 1, 1816[?]

David Craig—May 1, 1816-September 16, 1816

John Tipton—September 16, 1816<sup>1</sup>-December 30, 1816. Continued under state government.

## CORONERS

Samuel Black—December 8, 1808. Removed from county before January 4, 1811.

John Hurst, Jr.—January 4, 1811-February 3, 1813[?]

Thomas Rodgers—February 3, 1813-August 16, 1814[?]

James B. Slaughter—August 16, 1814-June 20, 1816[?]

Lyman Beeman—June 20, 1816-September 17, 1816. Resigned.

Israel Butt—September 26, 1816-December 30, 1816. Continued under state government.

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<sup>1</sup>Tipton's appointment is not given in the territorial *Executive Journal*. His commission is among the Tipton Papers, Indiana State Library.

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. . . I . . . signed the commission for Mr. [John] Caldwell as Prothonotary . . . but strange to tell after keeping the commission a week he resigned it. . . I have been so much embarrassed to select a proper person for clerk since the resignation of Mr. Caldwell that I have determined not to appoint one until I get better informed but have sent herewith a warrant authorising you to appoint a temporary one. The candidates are Rich<sup>d</sup> M. Heth Clement Nance George Pope of Louisville Kentucky &c a Mr. Audrain of Jefferson County Kentucky. . . .

"I . . . request the favor of you to give me information as to the qualifications of the candidates resident in your county & whether it would be agreeable to yourselves & the people of the county that I should appoint a non resident if neither Mr. Heth or Mr. Nance should be equal to the discharge of the duties of the office. I am not only desirous of appointing a proper person but I am also anxious that that person should have the good wishes of his fellow citizens."

In a letter to Secretary Gibson on January 3, Harrison ordered a commission to be made out for Heth as prothonotary, but it is not known whether the governor ever signed it. The first appointment for clerk that appears in the territorial *Executive Journal* is that of Pope, made on January 17. Harrison to Patrick Shields, John G. Pfrimmer, and Moses Boone, in possession of C. D. Hansel, Terre Haute, Indiana; Harrison to Gibson, in English Manuscripts, Indiana Historical Society.

## RECORDERS OF DEEDS

Richard M. Heth—December 8, 1808<sup>1</sup>

George F. Pope—January 17, 1809-February 6, 1811

Richard M. Heth<sup>2</sup>—February 11, 1811-February 24, 1817. Continued under state government.

## JACKSON COUNTY

[Formed by statute of December 18, 1815, effective January 1, 1816.]

## ASSOCIATE JUDGES OF CIRCUIT COURT

Joseph Kitchell—January 1, 1816. Resigned before July 18, 1816.

John Ketcham<sup>3</sup>—January 1, 1816-February 24, 1817

Cyrus Douglass—August 7, 1816-February 24, 1817

## JUSTICES OF THE PEACE

Cyrus Douglass—January 1, 1816

William Crenshaw—January 1, 1816

William Flinn—June 7, 1816

James Trotter—June 7, 1816

Henry Rogers—June 7, 1816

Charles Crabb—June 7, 1816

Harry Kitchell—June 7, 1816

William Ruddick—June 7, 1816

## CLERK OF CIRCUIT COURT

John Milroy—January 1, 1816-February 24, 1817

## SHERIFF

Wickliff Kitchell—January 1, 1816-December 30, 1816

## CORONER

Isaac Scott—March 25, 1816-December 30, 1816

## RECORDER

John Milroy—January 1, 1816[?]-February 24, 1817

<sup>1</sup>This appointment is not given in the territorial *Executive Journal*, but Governor Harrison referred to it in his letter to Secretary Gibson on January 3, 1809. English Manuscripts, Indiana Historical Society.

<sup>2</sup>Heth signed a legal document as recorder as early as November 14, 1810. Deed Record Book A, Harrison County.

<sup>3</sup>The printed copy of the territorial *Executive Journal*, 239, gives the name as "Kelchman"; the manuscript *Journal* in the State Library has "Ketchman." John C. Lazenby, who used the original court records for his article on "Jackson County Prior to 1850," gives it as "Ketcham." *Indiana Magazine of History*, 10:270, 271, 278.

## JEFFERSON COUNTY

[Formed by statute of November 23, 1810, effective January 1, 1811.]

LEGISLATIVE COUNCILORS<sup>1</sup>

Jesse L. Holman—5 Assembly, 1 session (1814)  
Solomon Manwaring—5 Assembly, 2 session (1815)

## REPRESENTATIVES

William McFarland—3 Assembly, 2 session (1811); 4 Assembly, 1 session (1813)  
William Hendricks—4 Assembly, 2 session (1813-14); 5 Assembly, 1 session (1814)  
Christopher Harrison—5 Assembly, 2 session (1815)

## COURT OF COMMON PLEAS

William McFarland—December 18, 1810-April 29, 1811. Resigned.  
Samuel Smock—December 18, 1810-December 31, 1813  
William Cotton—December 18, 1810-December 31, 1813  
Williamson Dunn—May 22, 1811-April [?], 1813  
Christopher Harrison—June 9, 1813-December 31, 1813

## ASSOCIATE JUDGES OF CIRCUIT COURT

Samuel Smock—January 6, 1814-[?]  
William Cotton—January 6, 1814-[?]  
Christopher Harrison—January 6, 1814-December 1, 1814. Resigned.  
Williamson Dunn—July 25, 1814-September 28, 1816. Resigned.  
Nathaniel Hunt—December 22, 1814-February 24, 1817

## PROSECUTING ATTORNEYS

James Dill—December 14, 1810  
Alexander Meek—July 16, 1811  
Jesse L. Holman—November 4, 1812<sup>2</sup>  
William Hendricks—April 4, 1814

## JUSTICES OF THE PEACE

William Cotton—December 13, 1810  
George Craig—December 13, 1810  
John ————— —December 13, 1810  
Samuel Smock—December 13, 1810  
Samuel McKinley—December 13, 1810

<sup>1</sup>Jefferson County was formed from the counties of Clark and Dearborn, and until 1814 had no separate representation in the Council.

<sup>2</sup>Holman was appointed prosecuting attorney pro tem by the court of common pleas on October 19, 1812. Civil Order Book, Jefferson County, 1812-18, p. 19.



- Thomas McFarland—December 13, 1810  
 Jesse Evans—December 13, 1810  
 Robert M. Trotter—December 14, 1810  
 Ralph Cotton—December 14, 1810  
 Elisha Golay—December 14, 1810  
 Williamson Dunn<sup>1</sup>—January 21, 1811  
 John Maxwell—January 21, 1811  
 Daniel Robbins—January 21, 1811  
 Michael Munroe (Monroe)—January 21, 1811  
 John Cline—March 4, 1811  
 William Hall—March 4, 1811  
 Enoch (Evan) Thomas—March 15, 1811  
 James Anderson—March 15, 1811  
 Samuel Scares (Seares)—March 15, 1811  
 Samuel Ryker—March 15, 1811  
 Gerardus Ryker—July 26, 1811  
 Joshua Deputy—December 16, 1811  
 Abraham Long—December 16, 1811  
 Abraham I. Fisk—March 5, 1812<sup>2</sup>  
 Samuel Alexander—February 26, 1813. Resigned January 5, 1816.  
 Dawson Blackmore—August 13, 1813  
 James Ward—August 13, 1813  
 Samuel Patterson—May 24, 1814  
 George Shannon—July 25, 1814  
 John Francis Dufour—July 25, 1814  
 Jacob Short—November 14, 1814  
 Thomas Taylor—November 14, 1814  
 Christopher Harrison—May 19, 1815  
 Joseph Strickland—May 19, 1815  
 James Stott—May 19, 1815  
 Ekellis (Achilles) Wilhite—May 19, 1815  
 John Thorn—May 19, 1815  
 John Burns—August 11, 1815  
 Alexander Lewis—November 18, 1815  
 James Wooly—November 18, 1815  
 Bazil Bentley—November 18, 1815

<sup>1</sup> Dunn's commission as justice of the peace was made out to William Dunn and he refused to serve. John Vawter to Governor Harrison, April 29, 1811, in English Collection, University of Chicago.

<sup>2</sup> The territorial *Executive Journal*, 180, gives Fisk's appointment to Franklin County, but he was recommended for the office by residents of Madison, and Jefferson County records show that he held the office in that county. Esarey (ed.), *Messages and Letters of William Henry Harrison*, 2:19-20.

Jacob Leer—December 16, 1815  
 John Bradford—January 23, 1816  
 James McCale (McCabe?)—March 23, 1816  
 John Meek—March 23, 1816  
 Jacob Rhoads—June 1, 1816  
 Joseph Howard—June 22, 1816  
 John H. Bray—June 22, 1816  
 Messhack Hosatt—June 22, 1816

## CLERK OF COUNTY COURT

John Paul—December 14, 1810-March 24, 1817[?]

## SHERIFFS

John Vawter—December 14, 1810-September 18, 1813[?]  
 Jonathan Lyon—September 18, 1813-June 14, 1814[?]  
 Bazil Bentley—June 14, 1814. Resigned before October 12, 1814.  
 James Vawter—October 12, 1814-December 30, 1816

## CORONERS

John Maxwell—December 16, 1811-September 18, 1813[?]  
 Jacob Rhoads—September 18, 1813-December 30, 1816

## RECORDER OF DEEDS

John Paul—December 18, 1810-February 24, 1817[?]

## KNOX COUNTY

[Formed by proclamation of the governor of the Northwest Territory  
 on June 20, 1790.]

## LEGISLATIVE COUNCILORS

John Rice Jones—1 Assembly, 1 and 2 sessions (1805, 1806), 2  
 Assembly, 1 and 2 sessions (1807, 1808)  
 Luke Decker—Rump session (1809)  
 William Prince—Rump session (1809)  
 William Jones—3 Assembly, 1 and 2 sessions (1810, 1811)  
 Walter Wilson—3 Assembly, 1 and 2 sessions (1810, 1811), 4  
 Assembly, 1 and 2 sessions (1813, 1813-14)  
 John Johnson—4 Assembly, 1 and 2 sessions (1813, 1813-14), 5  
 Assembly, 1 and 2 sessions (1814, 1815)

## REPRESENTATIVES

John Johnson—1 Assembly, 1 and 2 sessions (1805, 1806), Rump  
 session (1809)  
 Benjamin Parke—1 Assembly, 1 and 2 sessions (1805, 1806)<sup>1</sup>  
 Luke Decker—2 Assembly, 1 and 2 sessions (1807, 1808)

<sup>1</sup> See *ante*, 824, n. 1.

General Washington Johnston—2 Assembly, 1 and 2 sessions (1807, 1808), Rump session (1809), 3 Assembly, 1 and 2 sessions (1810, 1811)

John Hadden—Rump session (1809)<sup>1</sup>

Peter Jones—3 Assembly, 1 and 2 sessions (1810, 1811)

John Caldwell—3 Assembly, 1 and 2 sessions (1810, 1811)

David Robb—4 Assembly, 1 and 2 sessions (1813, 1813-14)

Daniel McClure—4 Assembly, 1 and 2 sessions (1813, 1813-14)

Robert M. Evans—4 Assembly, 1 session (1813)

Isaac Montgomery—4 Assembly, 2 session (1813-14)

William Polke—5 Assembly, 1 and 2 sessions (1814, 1815)

#### COURT OF GENERAL QUARTER SESSIONS

James Johnson—July 22, 1800-January 1, 1806

Pierre Gamelin—July 22, 1800. Died October 12, 1804.

Luke Decker—July 22, 1800-January 1, 1806

Abel Westfall—July 22, 1800-January 1, 1806

Antoine Marchal—July 22, 1800-January 1, 1806

Jonathan Purcell—July 22, 1800-January 1, 1806

Abraham Huff—July 22, 1800-February 3, 1801

Marston G. Clark—July 22, 1800-February 3, 1801

James Noble Wood—July 22, 1800-February 3, 1801

Benjamin V. Beckes—November 5, 1800. Resigned before February 2, 1803.

Ephraim Jordan—November 5, 1800-February 3, 1802. Resigned.

John Ockiltree—August 3, 1801-January 1, 1806

George Leech—February 2, 1803-January 1, 1806

George Wallace, Jr.—November 1, 1803-January 1, 1806

Peter Jones—November 1, 1803-January 1, 1806

Jacob Hardin—June 1, 1804-January 1, 1806

Daniel McClure—September 22, 1804-January 1, 1806

William V. Moorman—September 4, 1805-January 1, 1806

#### COURT OF COMMON PLEAS

James Johnson—July 22, 1800. Resigned before April 16, 1813.

Pierre Gamelin—July 22, 1800-February 3, 1801; reappointed August 3, 1801; died October 12, 1804.

Luke Decker—July 22, 1800-December 31, 1813

Abel Westfall—July 22, 1800-January 1, 1806; November 22, 1812-December 31, 1813

Antoine Marchal—July 22, 1800-January 1, 1806

Jonathan Purcell—July 22, 1800-February 3, 1801

Abraham Huff—July 22, 1800-February 3, 1801

Marston G. Clark—July 22, 1800-February 3, 1801

James Noble Wood—July 22, 1800-February 3, 1801

<sup>1</sup> See *ante*, 826, n. 1.

Benjamin V. Beckes—November 5, 1800. Resigned before February 2, 1803. Reappointed April 16, 1813-December 31, 1813.  
 Ephraim Jordan—November 5, 1800-February 3, 1802. Resigned.  
 George Leech—February 2, 1803. Resigned before June 21, 1810.  
 George Wallace, Jr.—November 1, 1803-January 1, 1806  
 Peter Jones—November 1, 1803-January 1, 1806  
 Daniel McClure—September 22, 1804-January 1, 1806; June 21, 1810-November 22, 1812[?]  
 Elihu Stout—November 5, 1805-January 1, 1806  
 William V. Moorman—November 5, 1805-January 1, 1806

## PROBATE COURT

Henry Van der Burgh—July 28, 1800-January 14, 1801[?]  
 Abraham Westfall—January 14, 1801-January 1, 1806

## ASSOCIATE JUDGES OF CIRCUIT COURT

Luke Decker—January 7, 1814-September 15, 1814  
 Abel Westfall—January 7, 1814-September 15, 1814  
 Benjamin V. Beckes—January 7, 1814-September 15, 1814  
 Daniel Sullivan—September 15, 1814-December 16, 1815[?]; September 7, 1816-February 24, 1817  
 James B. McCall—September 15, 1814-September 7, 1816[?]  
 William Polke—December 16, 1815-September 7, 1816[?]  
 John Ewing—September 7, 1816-February 24, 1817

## PROSECUTING ATTORNEYS

Thomas Randolph—January 7, 1811  
 General Washington Johnston—December [?], 1811<sup>1</sup>  
 William Prince—August 7, 1813  
 Isaac Blackford—September 30, 1816

JUSTICES OF THE PEACE<sup>2</sup>

William Burnett—August 29, 1801. Resigned September 10, 1803.<sup>3</sup>  
 William Wells—August 29, 1801. Died August 15, 1812.  
 David Robb—December 26, 1801. Resigned August 9, 1813.<sup>4</sup>  
 John Kinsey (Kinzie?)—March 10, 1802

<sup>1</sup> Johnston mentioned having received the appointment in a communication in the *Vincennes Western Sun*, December 28, 1811.

<sup>2</sup> On marriage records and other legal documents, the signatures of the following persons appear as justices of the peace, in addition to those listed in the territorial *Executive Journal*: Abraham Westfall, Elihu Stout, Wilson Lagow, James McDaniel. See also *ante*, 832, n. 2.

<sup>3</sup> Hurlbut, Henry W., *Chicago Antiquities . . .*, 74 (Chicago, 1881).

<sup>4</sup> Robb to Governor Posey, August 9, 1816, in English Collection, University of Chicago.

George Tobin—June 4, 1805<sup>1</sup>  
 Jonathan Antony—August 8, 1805  
 Isaac White—September 24, 1805  
 William Prince—September 24, 1805; reappointed April 17, 1810.  
 Robert Gill—March 15, 1806  
 Robert M. Evans—April 11, 1806  
 Abraham Lander—July 15, 1806  
 Wilson Montgomery—August 15, 1806  
 Israel McGready—January 30, 1807  
 Walter Wilson—February 19, 1807  
 John Shively (Shivley)—May 2, 1807<sup>2</sup>  
 Jabez Jones—May 25, 1807  
 Jacob Winemiller—July 1, 1807  
 Henry Brinton (Brenton)—August 5[15], 1807  
 Jonathan Taylor—August 24, 1807  
 Paul Casselberry—March 16, 1808. Resigned about June, 1811.  
 Robert Warfth—May 24, 1808  
 George Robinson—July 14, 1808  
 Daniel Grass—August 17, 1808  
 William Jones—September 24, 1808  
 Benjamin D. Price—November 28, 1808  
 William Polke—November 28, 1808  
 Aeneas McAllister—March 16, 1809  
 William McCormick—March 30, 1809  
 Abraham Kuykendall—April 7, 1809  
 General Washington Johnston—February 9, 1810; July 14, 1810  
 Isaac Montgomery—February 9, 1810  
 John McDonald—April 5, 1810  
 Samuel Gill—May 2, 1810  
 William Carruthers—June 26, 1810  
 Joseph Kennedy—August 1, 1810  
 Jacob Warrick—December 14, 1810. Died November 7, 1811.  
 John Johnson—January 2, 1811  
 John Wallace—March 4, 1811<sup>3</sup>  
 William Flint—March 7, 1811

<sup>1</sup> The name appears in the territorial *Executive Journal*, 128, as "Hobin."

<sup>2</sup> According to a petition from residents of Warrick County to Governor Posey, April 28, 1813, Shively died a few weeks after receiving the appointment. Office of Secretary of State.

<sup>3</sup> Casselberry to Governor Harrison, June [?], 1811, in office of Secretary of State.

<sup>4</sup> The name appears as "Wallice" in the territorial *Executive Journal*, but his signature appears as "Wallace" on various marriage records.



William Gamble—March 21, 1811  
 Squire Patterson—April 30, 1811  
 James Black—July 16, 1811  
 Charles Carson—July 16, 1811. Died before May, 1816.<sup>1</sup>  
 James Smith—December 3, 1811  
 Daniel Sullivan—March 28, 1812  
 Aaron Young—April 27, 1812  
 Wiat Anderson—April 27, 1812  
 John W. Maddox<sup>2</sup>—March 3, 1813  
 John B. Drennen—April 16, 1814  
 Samuel Chambers—November 22, 1814  
 Frederick Graeter—February 8, 1815  
 Jesse Hollowell—March 22, 1815  
 Samuel Cobb—June 1, 1815  
 William H. Routt—June 17, 1815  
 William Turner—March 7, 1816  
 Benjamin B. Kercheval—March 7, 1816  
 Samuel Perry—March 23, 1816  
 Joseph Letchan—April 13, 1816  
 Frederick Shoults—May 18, 1816

## CLERK OF THE COUNTY COURT

Robert Buntin—July 28, 1800-February 24, 1817. Continued under state government.

## SHERIFFS

William Prince—July 28, 1800. Resigned before September 22, 1804.  
 Daniel Sullivan—September 22, 1804. Resigned before December 29, 1806.  
 Parmenas Beckes—December 29, 1806. Resigned before April 5, 1810.  
 John McCandless—April 5, 1810-October [?], 1811.<sup>3</sup> Died.  
 James Crow<sup>4</sup>—November [?], 1811-March [?], 1813  
 Parmenas Beckes—April 1, 1813-July 6, 1813. Killed in duel.  
 Benjamin V. Beckes—July 10, 1813-December 30, 1816. Continued under state government.

<sup>1</sup> W. E. Stewart to Governor Posey, May [?], 1816, in office of Secretary of State.

<sup>2</sup> The manuscript Journal gives this spelling.

<sup>3</sup> The administrators of his estate presented their bond to the court on October 25, 1811. Minute Book A, Court of Common Pleas, Knox County.

<sup>4</sup> Crow's appointment is not given in the territorial *Executive Journal*, but the minutes of the court on November 25, 1811, show that he was sheriff at that time.

## CORONERS

- Samuel McKee—June 10, 1801. Resigned before July 9, 1802.  
 Jacob Kuykendall—July 9, 1802. Resigned before April 13, 1810.  
 Newton Edward Westfall—April 13, 1810. Removed from county  
 before January 12, 1813.  
 Samuel Hays—January 12, 1813-September 15, 1814[?]  
 Thomas Polke—September 15, 1814-January 25, 1815[?]  
 Henry I. Mills—January 25, 1815-December 30, 1816

## RECORDERS OF DEEDS

- Robert Buntin—July 28, 1800-February 3, 1801[?]  
 John Gibson, Jr.—February 3, 1801. Removed from territory be-  
 fore June 2, 1807.  
 John D. Hay—June 2, 1807-February 24, 1817

## ORANGE COUNTY

[Formed by statute of December 26, 1815, effective February 1, 1816.]

## ASSOCIATE JUDGES OF CIRCUIT COURT

- Thomas Fulton—February 1, 1816-March 28, 1817  
 Joel Halbert—February 1, 1816. Resigned before April 24, 1816.  
 Samuel Chambers—April 24, 1816-April 26, 1817. Continued under  
 state government.

## PROSECUTING ATTORNEY

- Alexander Dunn—April 8[?], 1816

## JUSTICES OF THE PEACE

- Edward Millis—February 1, 1816  
 Samuel Chambers—February 1, 1816  
 Jesse Hollowell—February 1, 1816  
 Moses Lee—March 2, 1816; recommissioned March 7, 1816.  
 John Pinnick—March 7, 1816  
 James Rawlins—March 7, 1816  
 James Cobb—March 7, 1816  
 Thomas Lynch—March 7, 1816  
 Joseph Glover—March 7, 1816  
 Hugh Holmes—March 7, 1816  
 Henry Hollowell—March 7, 1816  
 Jacob Molder—March 7, 1816  
 William Carr—March 7, 1816  
 James Maxwell—March 7, 1816  
 Jesse Roberts—April 13, 1816; recommissioned May 24, 1816.  
 Thomas Evans—April 13, 1816  
 James Gregory—April 13, 1816; recommissioned May 24, 1816.  
 John Glenn—May 24, 1816  
 John G. Clendenin—May 24, 1816  
 Abraham Bosley—May 24, 1816

## CLERK OF CIRCUIT COURT

William Hoggatt—February 1, 1816-February 24, 1817. Continued under state government.

## SHERIFF

Zachariah Lindley—February 1, 1816-December 30, 1816. Continued under state government.

## CORONER

Ebenezer Doan<sup>1</sup>—February 1, 1816[?]-December 30, 1816. Continued under state government.

## RECORDER OF DEEDS

William Hoggatt—February 1, 1816-February 24, 1817

PERRY COUNTY<sup>2</sup>

[Formed by statute of September 7, 1814, effective November 1, 1814.]

## REPRESENTATIVE

Peter Wilkinson—5 Assembly, 2 session (1815)

## ASSOCIATE JUDGES OF CIRCUIT COURT

Charles Polk—September 14, 1814. Resigned before December 27, 1814.

James McDaniel, Sr.—September 14, 1814-April 16, 1817. Continued under state government.

Thomas Morton—December 27, 1814-April 16, 1817. Continued under state government.

## PROSECUTING ATTORNEYS

Davis Floyd—July 3, 1815

John Fletcher—July [?], 1816

## JUSTICES OF THE PEACE

George Tobin—December 27, 1814

John Stephenson—December 27, 1814

Runnels Jeffers—May 15, 1815

Jesse Barbre—May 15, 1815

Israel Lamb—May 15, 1815

George Burkhart—May 15, 1815

James G. Jones—July 22, 1815

<sup>1</sup> Doan's appointment is not listed in the territorial *Executive Journal*. He is mentioned as coroner, 1816, in *History of Lawrence, Orange and Washington Counties, Indiana . . .*, pt. 3:439 (Goodspeed Bros. & Co., publishers, 1884).

<sup>2</sup> The law creating the counties of Perry and Posey provided for a joint representative. *Ante*, 532. They were represented in the Council by David Robb from the counties of Gibson and Warrick.

856 INDIANA HISTORICAL COLLECTIONS

James D. Hammond—July 22, 1815

Joseph D. Niller—July 22, 1815

William Shroads—April 27, 1816

CLERK OF THE CIRCUIT COURT

Solomon Lamb—September 14, 1814-April 16, 1817. Continued under state government.

SHERIFF

Samuel Connor—September 14, 1814-December 28, 1816

CORONER

Francis Posey—May 15, 1815-December 28, 1816

RECORDER OF DEEDS

Solomon Lamb—December 27, 1814-April 16, 1817. Continued under state government.

POSEY COUNTY

[Formed by statute of September 7, 1814, effective November 1, 1814.]

REPRESENTATIVE<sup>1</sup>

Peter Wilkinson—5 Assembly, 2 session (1815)

ASSOCIATE JUDGES OF CIRCUIT COURT

Thomas E. Casselberry—September 14, 1814-February 24, 1817

Dann Lynn—September 14, 1814. Resigned before August 18, 1816.

John Graddy—September 7, 1816-February 24, 1817

PROSECUTING ATTORNEYS

William Prince—March 20[?], 1815

Davis Floyd—March 18[?], 1816

Richard Daniel—June [?], 1816

JUSTICES OF THE PEACE

James Marrs—November 19, 1814

Samuel R. Marrs—November 19, 1814; February 14, 1815

Peter Wilkinson—February 14, 1815

Nathan Ashworth—February 14, 1815

William Wagon—February 14, 1815

John Stapleton—June 7, 1815

Thomas Coulter—October 18, 1815

<sup>1</sup> *Ante*, 855, n. 2.

## SWITZERLAND COUNTY OFFICERS 857

### CLERKS OF CIRCUIT COURT

Willis W. Goodwin—September 17, 1814-December 22, 1814[?]  
William E. Stewart—December 22, 1814-September 7, 1816[?]  
David Love—September 7, 1816-February 24, 1817. Continued under state government.

### SHERIFF

John Carson—September 14, 1814-December 30, 1816. Continued under state government.

### CORONER

Samuel Jones—February 14, 1815-December 30, 1816

### RECORDERS OF DEEDS

Willis W. Goodwin—September 17, 1814-December 22, 1814[?]  
William E. Stewart—December 22, 1814-September 7, 1816[?]  
David Love—September 7, 1816-February 24, 1817. Continued under state government.

## SWITZERLAND COUNTY<sup>1</sup>

[Formed by statute of September 7, 1814, effective October 1, 1814.]

### REPRESENTATIVE

Elisha Golay—5 Assembly, 2 session (1815)

### ASSOCIATE JUDGES OF CIRCUIT COURT

William Cotton—September 15, 1814-February 24, 1817. Continued under state government.  
James McClure—September 15, 1814-February 24, 1817. Continued under state government.

### PROSECUTING ATTORNEYS

James Noble—October 28, 1814  
William Hendricks—June 26, 1815

### JUSTICES OF THE PEACE

Ralph Cotton—October 10, 1814  
Robert M. Trotter—October 10, 1814  
Elisha<sup>2</sup> Golay—October 10, 1814  
William Campbell—November 8, 1814  
Caleb Mounts—November 8, 1814

<sup>1</sup> Switzerland County was formed from the counties of Dearborn and Jefferson. It had no separate representation in the Legislative Council.

<sup>2</sup> The name appears as "Elijah" in the printed copy of the territorial *Executive Journal*, 222, but in the manuscript Journal it is "Elisha."



858 INDIANA HISTORICAL COLLECTIONS

George Craig—November 8, 1814  
John Gilliland—August 5, 1815  
John Dumont—February 1, 1816  
Richard Wood—May 25, 1816  
Samuel Fallis—May 25, 1816  
Allen Wiley—May 25, 1816

CLERK OF CIRCUIT COURT

John Francis Dufour—September 15, 1814-February 24, 1817. Continued under state government.

SHERIFF

John Francis Siebenthal—September 15, 1814-December 30, 1816. Continued under state government.

CORONERS

Ralph Cotton—September 15, 1814-March 2, 1816[?]  
John Dumont—March 2, 1816-December 30, 1816

RECORDER OF DEEDS

John Francis Dufour—October 10, 1814-February 24, 1817

WARRICK COUNTY

[Formed by statute of March 9, 1813, effective April 1, 1813.]

LEGISLATIVE COUNCILOR<sup>1</sup>

David Robb—5 Assembly, 1 and 2 sessions (1814, 1815)

REPRESENTATIVE<sup>2</sup>

Ratliff Boon—5 Assembly, 1 and 2 sessions (1814, 1815)

COURT OF COMMON PLEAS

Aeneas McAllister—April 1, 1813-December 31, 1813  
James Marrs—April 1, 1813-December 31, 1813  
Bailey Anderson—April 1, 1813-December 31, 1813

ASSOCIATE JUDGES OF CIRCUIT COURT

Aeneas McAllister—January 7, 1814-September 14, 1814  
James Marrs—January 7, 1814-September 14, 1814  
Bailey Anderson—January 7, 1814-June 24, 1814[?]  
Daniel Grass—June 24, 1814. Resigned before September 3, 1816.  
Hugh McGary—September 14, 1814-February 24, 1817. Continued under state government.

<sup>1</sup> Knox County councilors represented Warrick in the session of 1813-14.

<sup>2</sup> *Ante*, 841, n. 1.

Samuel Snyder<sup>1</sup>—September [?], 1816-February 24, 1817. Served under state government.

## PROSECUTING ATTORNEYS

John Johnson—April 1, 1813  
 Elias Roberts—January 3, 1814  
 William Prince—June 24, 1814  
 Davis Floyd—October 23, 1815  
 John Fletcher—June [?], 1816

## JUSTICES OF THE PEACE

George Briscoe—June 28, 1813  
 John Cummins—June 28, 1813  
 John Stevenson—July 8, 1813  
 George Tobin—July 14, 1813  
 Thomas E. Casselberry—January 3, 1814  
 David Brumfield—January 3, 1814  
 Samuel Snyder—January 3, 1814  
 Daniel Lyner—January 3, 1814  
 Peter Wilkinson—June 24, 1814  
 Nathan Ashworth—June 24, 1814  
 Thomas Higgins—October 21, 1814  
 James Marrs—February 2, 1815  
 Hezekiah Hargrave—June 7, 1816  
 Daniel Akin—June 7, 1816

## CLERKS OF COUNTY COURT

George R. C. Sullivan—April 1, 1813. Resigned before April 17, 1813.  
 Nathaniel Claypool—April 17, 1813-October 21, 1814[?]  
 William G. Buckler—October 21, 1814-February 24, 1817

## SHERIFFS

Samuel R. Marrs—April 1, 1813-October 21, 1814[?]  
 William Briscoe—October 21, 1814-December 30, 1816. Continued under state government.

## CORONERS

Charles Carson—July 14, 1813-October 21, 1814[?]  
 James G. Jones—October 21, 1814-November 4, 1815[?]  
 George W. Tevault—November 4, 1815-December 30, 1816

<sup>1</sup>Snyder was recommended to succeed Grass on September 3, 1816. Daniel Grass, Hugh McGary, and William Briscoe to Governor Posey, in office of Secretary of State. It is not known whether an appointment was made under the territorial government.

## RECORDERS OF DEEDS

George R. C. Sullivan—April 1, 1813. Resigned before April 17, 1813.

Nathaniel Claypool—April 17, 1813-October 21, 1814[?]

William G. Buckler—October 21, 1814-February 24, 1817

## WASHINGTON COUNTY

[Formed by statute of December 21, 1813, effective January 17, 1814.]

## LEGISLATIVE COUNCILOR

John Johnson—5 Assembly, 1 and 2 sessions (1814, 1815)

## REPRESENTATIVE

Marston G. Clark—5 Assembly, 1 and 2 sessions (1814, 1815)

## ASSOCIATE JUDGES OF CIRCUIT COURT

Jonathan Lindley—January 10, 1814-November 26, 1814[?]

Moses Hoggatt—January 10, 1814-July 7, 1814[?]

Simeon Lamb—January 10, 1814-April 15, 1815<sup>1</sup>

James Young—July 7, 1814-September 15, 1814

John M. Coleman—November 26, 1814-January 3, 1816. Resigned.

Joseph Kitchell—April 15, 1815. Resigned before December 29, 1815.

Alexander Little—December 29, 1815-August 2, 1816. Resigned.

William Lowe—January 6, 1816-August 10, 1816. Resigned.

Godlove Kamp—August 7, 1816-February 24, 1817. Continued under state government.

Samuel Huston—August 17, 1816-February 24, 1817. Continued under state government.

## PROSECUTING ATTORNEYS

John F. Ross—April 11[?], 1814

Alexander Dunn—April [?] 1816

## JUSTICES OF THE PEACE

Jesse Spurgin—January 20, 1814

James Young—January 20, 1814

Robert Ellison—January 20, 1814

John Wright—January 20, 1814

<sup>1</sup>Joseph Kitchell was appointed to succeed Lamb "under a belief" that the latter had removed from the county. Lamb protested his displacement inasmuch as his commission had said that he should hold the office during good behavior. The legislature passed a law in 1815 legalizing the proceedings of the court wherein Kitchell sat as judge. *Ante*, 645. *History of Lawrence, Orange and Washington Counties*, pt. 5:734-35.

David Fouts—January 20, 1814  
 Robert Catlin—January 27, 1814  
 Amos Thornburgh—April 18, 1814  
 William Robertson—April 18, 1814  
 Jesse Roberts—April 18, 1814  
 Samuel Chambers—April 18, 1814  
 Zachariah Lindley—April 18, 1814  
 Edmund Hunter—April 18, 1814  
 John Beck—April 18, 1814  
 Enoch Parr—April 18, 1814  
 John M. Coleman—April 18, 1814  
 Godlove Kamp<sup>1</sup>—April 18, 1814  
 Samuel Huston—April 18, 1814  
 John Ketcham—April 18, 1814  
 Cornelius Williamson—April 18, 1814  
 Edmund C. Hunter—July 25, 1814  
 James McKinney—July 25, 1814  
 Thomas Ewing—July 25, 1814  
 Robert McIntire—July 25, 1814  
 Thomas Beesly (Beesley)—June 8, 1815  
 John G. Clendenin—June 8, 1815  
 Edward Millis—August 5, 1815  
 Jesse Lucas—August 5, 1815  
 Cyrus Douglass—August 5, 1815  
 Matthew Robertson—August 5, 1815  
 Tyse (Tyre) Harris—August 5, 1815  
 Hugh McPheeters—September 28, 1816  
 William Kelso—September 28, 1816  
 Alexander Huston—September 28, 1816

## CLERKS OF CIRCUIT COURT

Isaac Blackford—January 7, 1814-September 15, 1814  
 Basil Prather—September 15, 1814-February 24, 1817. Continued  
 under state government.

## SHERIFFS

William Hoggatt—January 10, 1814-February 1, 1816[?]  
 Noah Wright—February 1, 1816-December 30, 1816

## CORONER

Jeremiah Lamb—April 18, 1814-December 30, 1816. Continued  
 under state government.

<sup>1</sup>This name often appears as "Camp" or "Kemp." His signature appears as "Kamp" on various county records and on a letter of August 6, 1816, to Governor Posey, in office of Secretary of State.

## RECORDERS OF DEEDS

Isaac Blackford—January 11, 1814-September 17, 1814[?]  
 Basil Prather—September 17, 1814-February 24, 1817

## WAYNE COUNTY

[Formed by statute of November 27, 1810, effective January 1, 1811.]

LEGISLATIVE COUNCILORS<sup>1</sup>

John Test—5 Assembly, 1 session (1814)  
 James Noble—5 Assembly, 2 session (1815)

## REPRESENTATIVES

Richard Rue—3 Assembly, 2 session (1811)  
 James Brown—4 Assembly, 1 and 2 sessions (1813, 1813-14); 5  
 Assembly, 1 session (1814)  
 Joseph Holman—5 Assembly, 2 session (1815)

## COURT OF COMMON PLEAS

Peter Fleming—December 18, 1810-[?]  
 Aaron Martin—December 18, 1810-[?]  
 Jeremiah Meek—December 18, 1810-December 31, 1813  
 William Harland—March 25, 1812-December 31, 1813

## ASSOCIATE JUDGES OF CIRCUIT COURT

Peter Fleming—January 6, 1814-March 8, 1817  
 Aaron Martin—January 6, 1814. Resigned before April 22, 1815.  
 Jeremiah Meek—January 6, 1814-September 16, 1814  
 Josiah Davisson—April 22, 1815<sup>2</sup>  
 David Hoover—June 12, 1815-March 18, 1817[?]

## PROSECUTING ATTORNEYS

James Noble—December 14, 1810  
 Elijah Sparks<sup>3</sup>—December 22, 1812  
 James Dill—March 6, 1815  
 John Test—June 3, 1816  
 James Dill—October 7, 1816

JUSTICES OF THE PEACE<sup>4</sup>

David Hoover—December 13, 1810  
 John Ireland—December 13, 1810

<sup>1</sup> Prior to 1814 Wayne County was represented in the Council by Solomon Manwaring of Dearborn County.

<sup>2</sup> Davisson was appointed to succeed Aaron Martin but the court records show that he did not serve. On June 8, 1815, the court recommended the appointment of David Hoover to succeed Martin.

<sup>3</sup> *Ante*, 839, n. 1.

<sup>4</sup> The marriage and court records of Wayne County show that the following persons, John Cox, Josiah Davisson, Isaac Estete



Jesse Davenport—December 13, 1810  
 Abraham Elliott—February 2, 1813  
 William L. Williford—February 2, 1813  
 Adam Banks—December 10, 1814; August 11, 1815  
 Richard Lewis—December 10, 1814; August 11, 1815  
 John Cartwright—February 5, 1815  
 John Martindale—February 5, 1815  
 James Junkins—February 5, 1815  
 Thomas J. Warman—February 5, 1815  
 Charles Royster—February 8, 1815  
 Isaac Julian—August 11, 1815  
 John C. Kibbey—August 11, 1815  
 Henry Hoover—August 11, 1815  
 William McClean—December 27, 1815  
 Joseph Flint—December 27, 1815  
 Samuel Blake—January 30, 1816  
 John Nelson—March 2, 1816

## CLERK OF COUNTY COURT

George Hunt—December 18, 1810-March 8, 1817

## SHERIFF

John Turner—December [?], 1810-December 30, 1816. Continued under state government.

## RECORDER OF DEEDS

George Hunt—December 18, 1810-March 8, 1817

JUSTICES OF THE PEACE FOR "INDIANA TERRITORY"<sup>1</sup>

John Gibson—February 1, 1801  
 J. Kintzee (John Kinzie?)—May 18, 1810  
 Charles Jouette (Jouett?)—May 18, 1810

<sup>1</sup> This is the language of the territorial *Executive Journal*. While Gibson, secretary of the territory, probably had jurisdiction as a justice of the peace anywhere within its boundaries, it is likely that the jurisdiction of the others was limited to unorganized territory near Chicago.

(Estebb), and Beale Butler, served as justices of the peace in addition to those given below from the territorial *Executive Journal*.



INDEX



## INDEX

---

- Abandonment, cause for divorce, 59, 356. *See* Divorce.
- Abatement and revival, scire facias in, 114-15.
- Abel (Abell, Able), Ignatius, Harrison County, county seat commissioner: Washington County, 447; Perry County, 531; Orange County, 644.
- Aborne, Henry, justice of peace, Clark County, 834.
- Acknowledgments, before whom certified, 111-12.
- Actions, revival by scire facias, 114-15. *See* Courts.
- Ad quod damnum, writ of, circuit courts may issue, 573; persons building mills or dams, when entitled to, 652.
- Adair, James, Sr., county seat commissioner, Franklin County, 109; justice of peace, Dearborn County, 836.
- Adams, Benjamin, allowance to, firewood, 253, 287; doorkeeper, House, 334-35, 828.
- Adams, John M., justice of peace, Harrison County, 844.
- Addington (Addenton), John, county seat commissioner, Wayne County, 110.
- Administrators, *see* Abatement and revival, Real estate.
- Adultery, cause for divorce, 31, 59, 356. *See* Divorce.
- Advertisements, depositions, for taking of, 128; elections, 234, 490, 491; estrays, 123, 191; runaway apprentices, 166; sales for taxes, 58, 261, 317, 320, 487; tax rates and delinquencies, 486-87; time for land listing, 256; time and place of road-labor assignments, 611.
- Akin, Daniel, justice of peace, Warrick County, 859.
- Alcoholic beverages, beer, ale, or cider, how sold, 56, 302. *See* Intoxicating liquors.
- Alexander, Samuel, justice of peace, Jefferson County, 848.
- Alias, writ of, form, justice of peace court, 635.
- Allen, James, justice of peace, Dearborn County, 837.
- Allen, John, justice of peace, Franklin County, 839; recommended for justice of peace, Dearborn County, 837n; mentioned, 437.
- Allen, Robert, justice of peace, Gibson County, 841.
- Amercements, how estreated from circuit to general court, 478.
- Ammerson, Jesse, *see* Jesse Emerson.
- Anderson, Bailey (Baily), Warrick County, courts to be held at home of, 58, 350; judge, 858; mentioned, 453, 454.
- Anderson, James, justice of peace, Jefferson County, 848.
- Anderson, Robert, Knox County, relief act for, 340.
- Anderson, Wiat, justice of peace, Knox County, 853.
- André (Andrus), Captain Pierre, of Mounted Rangers, 799.



- Animals, trespass, Lower Prairie, 123. *See* names of animals, Estrays.
- Antony (Anthony), Jonathan, justice of peace, Knox County, 852; mill, Warrick County, 432.
- Appeals, *see* Courts, Justices of peace.
- Apportionment, *see* House of Representatives, Legislative Council, names of counties.
- Apprentices, early laws concerning, 20-21; ill treated, 22, 165-66; contracts, 22, 166; deserting, 166-67; militia fines, 394; right of appeal, 166.
- Appropriations, 106-7, 112-14, 119-20, 133-34, 144-45, 152, 168, 169, 173, 174-76, 185, 187-88, 219, 224, 225, 249-50, 251, 252-54, 279, 287, 334-35, 358-61, 484, 497-98, 498-500, 507, 547-48, 565-66, 653-55.
- Arbitrations, act concerning, 284-86.
- Armstrong, Thomas, allowance to, stationery, 498-99; trustee, Vevay, 674.
- Arson, public buildings, fine and punishment, 462.
- Ashworth, Nathan, justice of peace: Posey County, 856; Warrick County, 859.
- Assault and battery, actions of not subject to revival, 115; costs, 449, 569.
- Asses, taxes, 56, 310.
- Assessors, listers of land to be assessors of personal property, 255; law for appointment of, repealed, 263-64. *See* Listers of land, Listers of taxes.
- Assignments, to nonresident attorneys, 117. *See* Frauds and perjuries, Written instruments.
- Assumpsit, action for, what constitutes, 633-34.
- Aston, Richard, justice of peace, Clark County, 834.
- Attachments, form to be used by justices, 551-52; use in chancery cases, 573-74.
- Attorneys, oath against dueling, 64-65, 443; nonresident, not to practice in territory, 22-23, 116-17; assignment to, when forbidden, 117; licenses, 522. *See* Fees, Poor persons, Prosecuting attorneys.
- Attorneys for the United States in Indiana Territory, 820.
- Attorneys general, Indiana Territory, list of, 820; salary, 12, 175, 219; salary abolished, 450.
- Audita querela, writ of, in circuit court, when forbidden, 571.
- Auditors of public accounts, allowance to: case for records, 175-76; inspection of printing of laws, 279-80; supplies, 279; claims, how to audit, 213-14, 214-15, 330-33; distributor of laws, 288, 360; investigation of office ordered, 506; list of, 821; office abolished, 468; salary, 12, 174, 219; stay of execution against Dearborn County collector, 239; tax collection, duties, 167-68, 258, 260-61, 321. *See* General fund.
- Audrain, —, Jefferson County, Ky., 845n.

- Aurora, origin of name, 79n.
- Averil, Philo, trustee, Seminary of Vevay, 679; director, Vevay Literary Society, 735.
- Badollet, Albert, clerk and recorder, Gibson County, 842.
- Badollet, John, chancellor, Indiana Territory, 820; register of land office, Vincennes, allowance to, 175, 279, 359.
- Bail, on allowing writs of certiorari and habeas corpus, 241-42; persons refusing to procure, 436; provision of Ordinance concerning, 95; special, 143, 569-70; bail bond, constable, when to accept, 270.
- Bail piece, by whom granted, 569, 570.
- Baker, Barzelah, Clark County, grant, county seat, 140, 141.
- Baker, John, justice of peace, Franklin County, 839.
- Ball alley, tax, 82, 690.
- Ballot, *see* Elections, manner of voting.
- Banks, Adam, justice of peace, Wayne County, 863.
- Banks, *see* Farmers' and Mechanics' Bank of Indiana, Swindling, Vincennes, Bank of.
- Baptist Church, *see* New Hope Baptist Church.
- Barbre, Jesse, justice of peace, Perry County, 855.
- Barker, David, divorce, 64, 431.
- Barker, Henry, justice of peace, Harrison County, 844.
- Barker, John, coroner, Gibson County, 842; mill of, 45.
- Barker, Paulina (Moshier), divorce, 64, 431.
- Barker, William, Gibson County, county seat commissioner, Perry County, 531.
- Barnett, Mark, allowance to, rent and firewood, 59, 359, 366; doorkeeper, Assembly, 828.
- Bartholomew, Joseph, appointment, lister, Clark County, 525; county seat commissioner: Washington County, 477; Jackson County, 602; major general, Indiana militia, 61n.
- Bastardy, procedure in cases involving, 145-48.
- Batman, Henry, allowance to, firewood, 655; doorkeeper, Assembly, 830; memorial for relief of, 804.
- Beaty, John R., clerk, Franklin County, 840.
- Beck, John, justice of peace, Washington County, 861.
- Beckes, Benjamin V., Knox County, divorce, 237; judge, 850, 851; sheriff: 853; relief act for, 73, 728-29.
- Beckes, Parmenas, allowance to, rent, 40, 253; captain, U. S. Rangers, 803; death, 853; relief act for, 225; sheriff, Knox County, 853.
- Beckes, Sally (Harbin), divorce, 237.
- Beef, *see* Flour, beef, and pork.
- Beeman, Lyman, coroner, Harrison County, 845.
- Beesly (Beesley), Thomas, justice of peace, Washington County, 861; trustee, Salem, 724.
- Beggs, Charles, nominated for Council, 831n; representative, Clark County, 829, 830, 831.

- Beggs, James, Clark County, councilor, 826, 827, 828, 831; representative, 113, 824, 825, 826, 831; signs laws, resolutions, and memorials, 1810, 1811, 1813, 1813-14 sessions, 105-509, 772-802 *passim*.
- Beggs, John, justice of peace, Clark County, 833.
- Bentley, Bazil, Jefferson County, justice of peace, 848; sheriff, 849.
- Bigamy, cause for divorce, 31. *See* Divorce.
- Bigger (Biggar), James, trustee, Charlestown, 463; captain, Mounted Rangers, 799.
- Biggs, William, representative, St. Clair County, 823, 824, 825.
- Billiard tables, tax, 41, 56, 82, 277, 310, 690.
- Bills of exception, court refusing, how recorded, 65, 457.
- Black, James, justice of peace, Knox County, 853.
- Black, Samuel, coroner, Harrison County, 845.
- Blackburn, Joseph, justice of peace, Harrison County, 844.
- Blackford, Isaac, allowance to, furnishing copies of journals, 497; clerk, House, 804, 828, 829, 830; clerk, Washington County, 861; presiding judge, first circuit, 822; prosecuting attorney, Knox County, 851; recorder, Washington County, 862; mentioned, 506.
- Blackhouse, James, justice of peace, Dearborn County, 837.
- Blackmore, Dawson, justice of peace, Jefferson County, 848; to receive subscriptions, Madison bank, 752.
- Blake, Samuel, justice of peace, Wayne County, 863.
- Blasdel (Blasdall), Jacob, Sr., commissioner, subscriptions for Lawrenceburg Bridge Company, 737.
- Blasdel's Mill, 46, 47.
- Boardman, Amos, justice of peace, Dearborn County, 837.
- Bogard, Captain Benjamin, report on militia company, 61-62.
- Bond, Joshua, allowance to, table for representatives, 174.
- Bond, Shadrach, Sr., St. Clair County, compensation, 823n; councilor, 823, 824; representative, 823.
- Bond, Shadrach, Jr., St. Clair County, councilor, 825; nominated for Council, 824n; representative, 823n, 824.
- Bonds, constables, 305, 629; complainant asking injunction, 580; county agent, 327; county treasurer, 275; executors, letters testamentary, 495; ferry owners, 649; form for use of justice of peace, 552-53; Indian traders, 149; persons asking change of venue, 501-2; persons giving or selling land for county seat, 326; sheriffs, 316, 609; territorial treasurer, 469; toll bridge operators, 434; township treasurers, 610; Vincennes lottery, 106; when assignable, 503.
- Bonham, Israel W., justice of peace, Franklin County, 840.
- Boon, Hiram, county seat commissioner, Orange County, 644.

- Boon, Ratliff, representative, Warrick County, 829, 830, 858.
- Boone, John, justice of peace, Harrison County, 843.
- Boone, Moses, judge, Harrison County, 842, 843.
- Boonville, county seat, Warrick County, 72.
- Bornand, Henry S., divorce, 223-24.
- Bornand, Marian (Mariann), divorce, 223-24.
- Bosley, Abraham, justice of peace, Orange County, 854.
- Boundaries, *see* Indiana Territory.
- Bounties, wolf scalps, 37, 57, 222-23.
- Bowen, William, trustee, Charlestown, 463.
- Bower (Bowen), Joseph, justice of peace, Clark County, 833.
- Bradburn, John, justice of peace, Franklin County, 840.
- Bradford, John, justice of peace, Jefferson County, 849.
- Brandy, William, relief act for, 164, 721-22.
- Branham, Alpheus, doorkeeper, Assembly, 830.
- Branham, William, allowance to, firewood and candles, 499, 655; justice of peace, Harrison County, 844.
- Braselton, John, justice of peace, Gibson County, 841.
- Brasher, Charles L., justice of peace, Dearborn County, 837.
- Bray, John H., justice of peace, Jefferson County, 849.
- Bribery, *see* Elections, fraud.
- Bridges, *see* Decatur Bridge Company, Lawrenceburg Bridge Company, Patoka River.
- Brinton (Brenton), Henry, justice of peace, Knox County, 852.
- Briscoe, George, justice of peace, Warrick County, 859.
- Briscoe, John, *see* John Brison.
- Briscoe (Brisco), William, Warrick County, county seat commissioner, Posey County, 531; sheriff, 859.
- Brison, John, justice of peace, Franklin County, 840.
- Brookville (Brooksville), act for regulation of, 63-64, 437-42; general court when held at, 562-63; land office requested, 26-27, 774-76; market house, 441; public well, 441; temporary county seat, Franklin County, 111; permanent county seat, 31, 218-19; mentioned, 9, 43, 80.
- Brown, Major General Jacob, joint resolution of thanks for services, 804-5.
- Brown, James, justice of peace, Clark County, 833.
- Brown, James, representative, Wayne County, 828, 829, 862; mentioned, 506.
- Brown, John, Dearborn County, trustee, New Hope Baptist Church, 707, 710.
- Brown, Roger, judge, Dearborn County, 836.
- Brown, Thomas, judge, Franklin County, 838, 839.
- Brownson, John, judge, Dearborn County, 835, 836.
- Brumfield, David, justice of peace, Warrick County, 859.
- Buckler, William G., Warrick County, clerk, 859; recorder, 860.
- Buckner, Alexander, contested election, 829n.



- Buntin, Robert, Knox County, clerk, 853; recorder, 854.
- Burkhart, George, justice of peace, Perry County, 855.
- Burnett, William, justice of peace, Knox County, 851.
- Burns, John, justice of peace, Jefferson County, 848.
- Burrism, 174-75.
- Butler, Amos, of Brookville, 437.
- Butler, Beale, justice of peace, Wayne County, 862n-63n.
- Butt, Israel, coroner, Harrison County, 845.
- Caldwell, John, appointed clerk, Harrison County, 845n; clerk pro tem, House, 825; clerk, House, 113, 826; representative, Knox County, 826, 827, 850; contested election, 119.
- Caldwell, William, justice of peace, Dearborn County, 837.
- Campbell, William, justice of peace, Switzerland County, 857.
- Canals, early legislation for, 52.
- Capias, writ of, form, justice of peace court, 635; when to issue, 632.
- Capital, Indiana Territory, acts: for fixing and removing (1810), 153-57, 186-87; removal to Corydon (1813), 335-38; land grants requested for, 772-74, 813-14; relocation discussed, 24-26; general court when held at, 562. *See* Corydon, Vincennes.
- Capland (Catlin?), Robert, justice of peace, Harrison County, 843.
- Carr, William, justice of peace, Orange County, 854.
- Carriages, tax, 82, 690.
- Carruthers, William, justice of peace, Knox County, 852.
- Carson, Charles, coroner, Warrick County, 859; death, 853; justice of peace, Knox County, 853.
- Carson, John, sheriff, Posey County, 857.
- Cartwright, John, justice of peace, Wayne County, 863.
- Casselberry, Paul, justice of peace, Knox County, 852.
- Casselberry, Thomas E., judge, Posey County, 856; justice of peace, Warrick County, 859.
- Castings, 308-9.
- Catheleinet's prairie, 124.
- Catlin, Robert, justice of peace: Harrison County, 843n; Washington County, 861.
- Centerville (Centreville), incorporation, 80, 682-84.
- Certiorari, writ of, act concerning repealed, 603-4; application for, 242-43, 468; circuit courts may issue, 69, 478, 519, 568-69; forbidden when, 571; courts of common pleas, when to issue, 241-42; procedure, 242-43.
- Chamberlin (Chamberlain), Pierce, justice of peace, Harrison County, 843.
- Chambers, Benjamin, Dearborn County, councilor: 822, 823, 824, 825, 835; relief act for, 152; judge, 835.
- Chambers, Samuel, judge, Orange County, 854; justice of peace: Knox County, 853; Orange County, 854; Washington County, 861.



- Chancellors of Indiana Territory, compensation, 12, 175; judges of general court may serve as, 172; list of, 820; two additional to be appointed, 59, 366. *See* Courts.
- Charlestown, county seat, Clark County, 17-19, 139-42, 217-18; county seat removed, 20; incorporation, 80-81, 140-42; regulation of, 74, 463-66, 731; proposed location of capital, 26; public buildings, 140, 142, 217-18; mentioned, 10, 31.
- Chillicothe, seat of government, Northwest Territory, 100.
- Chunn, John Thomas, justice of peace, Clark County, 833.
- Churches, *see* Indiana Church, New Hope Baptist Church, Roman Catholic Church.
- Cincinnati, land district, 26-27.
- Clark, Marston G., county seat commissioner: Washington County, 447; Orange County, 644; coroner, Clark County, 834; judge: Clark County, 831, 832; Knox County, 850; representative, Washington County, 829, 830, 860.
- Clark, Walter, trustee, Vevay, 674.
- Clark, General William, transfer of Clarksville lots, 705-6.
- Clark County, creation, 17, 830; apportionment: House (1809), 8, 767, 769; (1810), 9, 22, 171; (1813-14), 65, 455; Council (1814), 68; boundary changes, 104, 108, 126-27, 446; circuit courts: reorganization, 475, 518; term, 557, 646; when held, 189-90, 283, 362-63, 479, 557; contested election, 656, 829n; county seat removal, 17-19, 139-42, 217-18; court of common pleas: to erect public buildings, 141; to investigate entry of taxable lands, 243-44; proceedings at Charlestown legalized, 218; when held, 188, 362; election, sheriff, 28n; lister of taxes appointed, 525-26; officers, 830-34; taxes, special provisions, 487-88, 559, 648; vote for territorial delegate (1809), 7n.
- Clarke, William, judge, general court, 819.
- Clarksville, proposed location of capital, 26; transfer of lands in, 705-6; mentioned, 3, 31.
- Claypool, Nathaniel, Warrick County, clerk, 859; recorder, 860.
- Clendenin, John G., justice of peace: Orange County, 854; Washington County, 861.
- Clendenning, John, justice of peace, Dearborn County, 837.
- Clerks, of court: appeals, duties, 136; change of venue, duties, 501, 502; depositions, to record, 17, 128; ineligible as county treasurers, 275; letters testamentary, duties, 495-96; court of chancery: fees, 118-19; transfer of records, 583-84; circuit courts: appointment, 476-77, 522, 647; bail pieces, when granted, 570; debt, actions for, duties, 533-34, 534-35; elections, duties, 493, 494; equipment, 558-59; fee bills, correction of,

*Clerks, circuit courts (cont.)*

- 647-48; fines, duties, 625-26; ineligible to seat in Assembly, 493; injunctions, duties, 580; neglect of duty, 487, 616; notices of action to be filed with, 572; offices to be at county seats, 477; records, 558, 571; removal from office, 647; roads, duties, 611, 615, 616; sheriffs' bonds, to receive, 609; suits in chancery, duties, 574, 576, 578; tax lists, how recorded, 486; tax rates, to publish, 486; term, 522; township treasurers' bonds, to receive, 610; transcripts of judgments to be recorded, 631; writs, to attest, 522; common pleas: abstracts of taxable lands, to furnish, 168; certificates, transcripts of records not filed, 268; constables' bonds, to receive, 305; county funds, to keep record of, 275; county orders, to attest, 276; delinquent tax returns, duties, 276-77; dueling, to record oaths on, 443-44; election duties, 226, 232, 233; laws, distribution in counties, 163; licenses, duties, 323-24; neglect of duty, 236, 259-60, 315; offices at county seats, 158; overseers of roads, to list for grand jury, 345; re-commissioned in circuit courts, 477; sheriffs' bonds, to file, 316; tax listers' certificates, to file, 255; tax lists, how recorded, 257, 258, 311-12, 470; taxes, report to legislature, 471; transfer of office to clerk circuit court, 477-78; general court: 821; neglecting transfer of certain suits, 563, 565; who shall serve as, 563.
- See* Elections, Fees, Fines, House of Representatives, Legislative Council.
- Cline, John, justice of peace, Jefferson County, 848.
- Clinton, De Witt, incorporator, Ohio Steamboat Navigation Company, 10, 713-15.
- Cobb, James, justice of peace, Orange County, 854.
- Cobb, Samuel, justice of peace, Knox County, 853.
- Cogshell, George, trustee, Ve-vay Literary Society, 735.
- Coleman, John M., Washington County, judge, 860; justice of peace, 861.
- Collectors of taxes, *see* Sheriffs.
- Columbia, bridge near, 434-35.
- Conner, John, grist- and saw-mill, 46, 48.
- Connersville, trading post, 43.
- Connor, Samuel, sheriff, Perry County, 856.
- Conscientious objectors, 41, 60, 281, 391-92. *See* Quakers.
- Constables, appointment, 305-6, 629; bail bond, when to accept, 270; bond, 305, 629; juries, when may impanel, 137, 270-71; justice of peace disabled, procedure, 136; neglect of duty, liability, 134-35, 267-68; qualifications, 305; trials before justices of peace, duties, 642. *See* Fees, Fines.
- Constitutional Convention of 1816, suggested representation, 814.
- Contempt, compulsory proceedings for, justice of peace court, 467.

- Contested elections, Clark County, 656, 829n; Harrison County, 827n; Knox County, 119, 134. *See* Elections.
- Contingent fund, *see* Governor.
- Contracts, actions arising from, when triable by justice of peace, 627, 633-34; ne exeat to secure, 143-44; performance, how compelled, 363-64, 365; provision of Ordinance concerning, 95. *See* Frauds and perjuries, Written instruments.
- Conveyances, assignment of, 503; false, in elections, 67, 492.
- Coroners, collection militia fines, 413, 415; contested elections, duties, 491-92; ineligible as county treasurers, 275; neglect of duty, 415, 459-60; notice of judgment against sheriff, 323; securities, when liable, 460; suits in chancery, duties, 577-78.
- Corydon, capital removed to, 26, 59, 335-38; constitutional convention at, 82; courthouse, contract for, 82, 689-90; general court, session adjourned, 517; sessions when held at, 336, 478, 562; mentioned, 10, 31.
- Corydon Seminary, incorporated, 74, 729-31.
- Costs, appeals from justice of peace court, 266, 267; civil suits, persons gaining not liable for, 449; constable, when liable for, 134-35; debt, actions for, 121, 459, 460, 533, 535, 538; habeas corpus, criminal cases, 436; indictments, prosecution failing or defendants unable to pay, 164-65; sheriffs failing to pay county creditors, 322; slander, actions for, 449, 569; trespass, actions for, 449; voluntary informers, when liable, 448.
- Cotton, Ralph, Sr., coroner, Switzerland County, 858; justice of peace: Jefferson County, 848; Switzerland County, 857.
- Cotton, Ralph, Jr., Switzerland County, county seat commissioner, Jackson County, 602.
- Cotton, William, judge: Dearborn County, 835; Jefferson County, 847; Switzerland County, 857; justice of peace, Jefferson County, 847.
- Cotton, 308.
- Coulter, Thomas, justice of peace, Posey County, 856.
- Council, *see* Legislative Council.
- Counselors at law, *see* Attorneys.
- Counterfeiting, act to prevent, 76, 618-19.
- Counties, boundaries not to infringe on Indian lands, 93; circuit courts, 447, 558, 617; civil officers, how appointed, 93; copies of laws allotted to, 163, 360, 499, 565-66, 654; erected, how, 93; new, apportionment, 455; prosecuting attorneys, 449-50; public buildings, 327. *See* under names of counties, Taxation.
- County agent, appointment and bond, 327; compensation, 328; vacancies, how filled, 328.
- County levies, act concerning, partially repealed, 273; new provisions, 273-78. *See* Taxation.
- County orders, 275, 276.

- County seats, how fixed and laid off, 325-29. *See* under names of counties.
- County treasurer, appointment, 275; bond, 275;  
duties: licensing sale of merchandise, 273-75; receipt and disbursement of funds, 276; respecting delinquent tax returns, 276-77;  
fees, 288; neglect of duty, 277; office abolished, 324; persons ineligible as, 275. *See* Sheriffs.
- Courthouses, *see* Corydon, Public buildings.
- Courts, records to be preserved, 17, 127-28; relation between federal and territorial, 65-66, 68-69, 71, 801-2;  
*of chancery*, powers transferred to circuit courts, 59, 363-64, 365-66, 573-74; actions depending, transferred to circuit court, Knox County, 583; records, transferred, 583-84;  
*circuit*, discussed, 65-66, 68-70; adjournment, quorum not appearing, 520; appeals to, 478, 524, 568, 571; appeals from, 478, 571;  
appointments: listers of taxes, 485; road commissioners and surveyors, 615; township commissioners, 609-10;  
chancery cases, practice in, 73, 573-85; circuits, 475, 517-18, 532, 541, 822; contracts, may compel performance, 363-64; courts of record, 517; criminal cases, 479, 518; divorces, procedure, 356-58; duties of common pleas and former circuit courts transferred to, 474-75, 477-78, 523-25, 568; ferries, may establish, or vacate, 649; injunctions, procedure, 579-81; insane persons, duties concerning, 650-51; jurisdiction, 69, 476, 519, 573-74, 617-18; ne exeat, procedure, 581-82; notice how given, 572; process, may issue to any county, 521; quorum, 518; rules of practice, 69-70, 476, 569; terms, 518; when held, 189-90, 283, 362-63, 557-58, 646; who may hold, 476; what writs may issue, 69, 519, 521-22, 524, 568-69, 573, 581;  
*common pleas*, appeals to, 265-67; appeals and writs of error from, 365;  
appointments: inspectors, flour, beef, and pork, 341; listers of land, 254, 255; tax commissioners, 309;  
apprentices, jurisdiction, 165-66; commission to select capital site, duties, 155; county courts abolished, 282, 284; county seat commissioners, vacancies, to fill, 328-29; criminal cases, special courts, 435-37, 525; Knox County, adjourned, 107; listers of county property, 1812, to make allowance to, 339; powers transferred to circuit courts, 474-75, 477-78, 568; prison bounds, to extend, 222; public buildings, to contract for, 19; school sections, duties concerning, 131-32;  
taxes: assessments, may alter, 310, 312; examination of commissioners' books, special courts, 316; false returns, procedure, 313; im-

*Courts, common pleas (cont.)*

- proper sales for, procedure, 262, 318;  
 terms, 41, 282, 283; when held, 188-89, 282-83, 362; writs of habeas corpus and certiorari, when to issue, 241-42; procedure, 242-43;  
*general court*, instituted, 92; appeals from, 101; appeals to, 365, 478; clerk, 821; conflicting decisions, 70-71; contracts, may compel performance, 363-64; *Corydon* session adjourned, 517; divorces, procedure, 356-58; jurisdiction extended, 101; limited, 564; taverns to be listed with, 301-2; transfer of certain suits to circuits, 480, 563-64; transfer of certain suits to terms held at Vincennes and Brookville, 563, 564-65; where held, 336-37, 478, 562-63;  
*nisi prius*, 564;  
*oyer et terminer*, 564.  
*See* Arbitrations, Clerks, Evidence, Judges, Justices of peace, Nonresidents, Poor persons, Venue.
- Covenant, action for, what constitutes, 633.
- Cox, John, county seat commissioner, Wayne County, 110; justice of peace: Dearborn County, 837; Franklin County, 839; Wayne County, 862n.
- Crabb, Charles, justice of peace, Jackson County, 846.
- Craig, David, Harrison County, justice of peace, 844; sheriff, 845.
- Craig, George, justice of peace: Dearborn County, 836; Jefferson County, 847; Switzerland County, 858.
- Creek, John, justice of peace, Franklin County, 839.
- Crenshaw, William, justice of peace, Jackson County, 846.
- Crimes and punishments, act concerning amended, 462-63; jurisdiction in circuit courts, 479, 519; in common pleas court, 435-36; what judges may try, 518. *See* Penalties, specific crimes.
- Criminals' window, 18n.
- Crow, James, Sr., relief act for, 461; sheriff: Gibson County, 842; Knox County, 853.
- Crow, James, Jr., sheriff, Gibson County, 842.
- Croy's Mill, 50.
- Crutchfield, George, justice of peace, Harrison County, 844.
- Culton, Joseph, justice of peace, Harrison County, 844.
- Cummins, John, justice of peace, Warrick County, 859.
- Cummins' Mill, 45.
- Currency, use of Spanish coins, 11. *See* Counterfeiting, Swindling.
- Curry, John, Knox County, relief act for, 164, 721-22.
- Damages, actions arising from, when triable by justice of peace, 627; clerks of court, when liable, 495; debt, actions for, 121, 122, 533, 535, 537; enforcement of contract, 365; execution, decedents' estates, 121-22; habeas corpus proceedings, 572; judgment of justice of peace confirmed, 468; sheriffs, when liable for, 322.
- Dams, persons wishing to erect, when entitled to ad quod



*Dams (cont.)*

- damnum, 652. *See* White-water River.
- Daniel, Richard, prosecuting attorney, Posey County, 856.
- Daniels, John, divorce and remarriage, 78-79, 655.
- Daniels, Mary (Burge), divorce, 78-79, 655.
- Darlington, county seat, War-rick County, 72.
- Davenport, Jesse, justice of peace: Dearborn County, 837; Wayne County, 863.
- Davis, John, justice of peace, Clark County, 833.
- Davis, Milo R., allowance to, 145.
- Davis, Thomas, justice of peace, Harrison County, 843.
- Davis, Thomas Cleon, allow-ance to, 145.
- Davis, Thomas Terry, chancel-lor, 820; relief act for heirs of, 144-45; judge, general court, 820.
- Davis, Timothy, justice of peace, Dearborn County, 837.
- Davison, Arrabella, divorce, 64, 458-59.
- Davison, Daniel, divorce, 64, 458-59.
- Davisson, Josiah, Wayne County, appointed judge, 862; justice of peace, 862n.
- Dawson, John, justice of peace, Dearborn County, 837.
- Dearborn County, formation, 835; apportionment: House (1809), 8, 767, 769; (1810), 9, 22, 171; (1813-14), 65, 455; Legislative Council (1814), 68; boundary changes, 72, 104, 108, 538-39, 541-42; circuit court: length of ses-sion, 557-58; reorganiza-tion, 475, 518; when held, 189-90, 283, 363, 479, 557; court of common pleas: to al-low sheriff compensation for election services, 246; to investigate tax delin-quencies, 238-39; to levy special taxes, 351; to super-vise opening of Whitewater, 43, 298, 300; when held, 188-89, 282, 362; Hogan Creek bridge to be-come property of, 665; offi-cers, 835-38; public buildings, 350; special taxes, 58, 350-51; tax arrearages, 238-39, 346-47; vote for territorial delegate (1809), 7n.
- Debt, act, summary mode of col-lecting in certain cases, 533-38; action for: petition for judg-ment, 533-34, 534-35; plain-tiff asking writ of inquiry, 535; summons to defendant, 533-34, 536, 537; trial, 535-36, 537; what constitutes, 633; where cognizable, 264; debtor's window, 18n; execu-tion for, 12-17, 38-39, 120-22, 133, 240, 456-57; imprison-ment for, 32-37, 143, 436-37; judgment for not to issue without establishment of claim, 466-67; ne exeat in cases of, 143-44.
- Debtors, absconding or about to abscond, 247-48.
- Decatur, founded, 79n.
- Decatur Bridge Company, The, incorporation, 79, 660-66.
- Decedents' estates, jurisdiction of, in circuit courts, 572-73, 617-18; real estate subject to

*Decedents' estates (cont.)*

- execution, 121-22. *See* Letters testamentary.
- Decker, Luke, Knox County, allowance, judge, contested election, 119; councilor, 113, 825, 849; judge, 850, 851; representative, 824, 825, 849.
- Dedimus, writ of, circuit courts may issue, 521-22; form, justice of peace court, 641-42; when to issue for depositions of witnesses, 127-28, 265.
- Deeds, lands sold on execution, 344; lands sold for taxes, how made and recorded, 451-52, 452-53; town lots sold for taxes, how made, 560.
- Deer Creek Baptist Church, *see* New Hope Baptist Church.
- Defrance, Abraham, doorkeeper, Assembly, 823.
- Deitz (Dietz), John, justice of peace, Clark County, 833.
- Delaware Indians, salt spring on lands of, 816.
- Delaware towns, 46.
- Delegates to Congress, how elected, 95, 99, 226, 245, 489, 494; list of, 821; number of votes for (1809), 7n; right of debate, 95, 99. *See* Jonathan Jennings.
- Delorier (Desloriez, Delaurier), Jean Baptiste, dit, trustee, Roman Catholic Church, Vincennes, 716, 720.
- Delorier, Louis, trustee, Roman Catholic Church, Vincennes, 716, 720.
- De Pauw, John, trustee, Salem, 724.
- Depositions, 17, 128, 265. *See* Dedimus.
- Deputies, sheriffs: ineligible as listers of land, 255; as tax commissioners, 315; remedy of sheriff against, 118; at tax sales, not to bid, 319.
- Deputy, Joshua, justice of peace, Jefferson County, 848.
- Descent, provisions concerning, 91-92.
- Dickson (Dixon), Arthur, judge, Franklin County, 839; trustee, Brookville, 437.
- Dill, James, brigadier general, Indiana militia, 61n; clerk, Dearborn County, 837; commissioner, subscriptions for Lawrenceburg bridge, 737; county seat commissioner, Switzerland County, 540; prosecuting attorney: Dearborn County, 836; Franklin County, 839; Jefferson County, 847; Wayne County, 862; recorder, Dearborn County, 838; representative, Dearborn County, 827, 828, 835; special mileage allowance, 253; signs laws, 1813 session, 309-66, 795 *passim*.
- Divorce, by Assembly, 31, 64, 78-79, 211-12, 212-13, 223-24, 237, 431, 458-59, 472-73, 655, 727-28; regulation of, 30-31, 59, 356-58, 557.
- Dixon, Arthur, *see* Arthur Dickson.
- Doan, Ebenezer, coroner, Orange County, 855.
- Dogs, tax, 82, 690.
- Dougherty, John, justice of peace, Harrison County, 843.
- Douglass, Cyrus, judge, Jackson County, 846; justice of peace: Jackson County, 846; Washington County, 861.

- Douthitt, John, Clark County, justice of peace, 832; representative, 828, 829, 831.
- Dower, writ of, jurisdiction, 69, 519.
- Downs, Thomas, Clark County, councilor, 112, 825, 831; judge, 831, 832; representative, 826, 827, 831; signs laws, 767, 770, 771.
- Drake, Benjamin, justice of peace, Dearborn County, 836.
- Drennen, John B., justice of peace, Knox County, 853.
- Dubois, Jones and, *see* Jones and Dubois.
- Dubois, Toussaint, trustee, Roman Catholic Church, Vincennes, 716, 720.
- Dubois, William, justice of peace: Dearborn County, 837; Franklin County, 840.
- Duckworth, Absalom, Posey County, courts held at home of, 530-31.
- Dueling, 64-65, 442-45.
- Dufour, Daniel, Switzerland County, director, Vevay Literary Society, 735; trustee, Seminary of Vevay, 679.
- Dufour, John Francis, clerk and recorder, Switzerland County, 858; justice of peace, Jefferson County, 848; trustee, Vevay, 674; mentioned, 540.
- Dumont, John, Switzerland County, coroner, 858; director, Vevay Literary Society, 735; justice of peace, 858; trustee, Seminary of Vevay, 679.
- Dunn, Alexander, prosecuting attorney: Orange County, 854; Washington County, 860.
- Dunn, Isaac, commissioner, subscriptions for Lawrenceburg Bridge, 737; county seat commissioner, Switzerland County, 540; judge, Dearborn County, 836; representative, Dearborn County, 828, 835; signs laws, memorials, or resolutions, 425, 482-509, 801-2 *passim*; mentioned, 688, 821n.
- Dunn, Williamson, appointed justice of peace, Jefferson County, 848; captain, Mounted Rangers, 799; judge, Jefferson County, 847.
- Duskill's Mill, 50.
- Eads, William H., judge, Franklin County, 839; trustee, Brookville, 437.
- East, Isaac, justice of peace, Franklin County, 839.
- Eaton (Ohio), post route from Salisbury, 798.
- Education, federal land grants for schools, 813; fines under dueling law appropriated to, 445; militia funds for, 425; provision of Ordinance concerning, 96; students not exempt from militia, 10, 183; tax for, Knox County, 485. *See* Corydon Seminary, School sections, Vevay, Seminary of, Vincennes University.
- Elections, acts concerning repealed, 236; acts regulating, 225-36, 488-94, 620; clerks: appointment, 227; compensation, 236; duties, 228, 230, 231, 620; contested, procedure, 491-92; of councilors (1809), 831n; councilors, to fill vacancies, 620; extralegal, 28; fraud, regulations against, 38, 66-67,

*Elections (cont.)*

- 231, 233, 234-35, 235-36, 492-93; hours of, 230, 489; inspectors: appointment, 66, 226; duties, 226, 227, 230, 231, 232-33, 234; judges of: appointment, 227, 488; duties, 227, 231, 232-33, 234, 490-91; mileage, 236; manner of voting: oral, 7, 67, 77, 490, 620; ballot, 37-38, 67, 229, 230-31; notice of, 234, 490, 491; officials, compensation, 493; poll keepers, 67, 489-90; records, 232-33; returns, how made, 232, 493-94; special, 171, 233-34, 491; votes, how counted, 231-32; when held, 7, 37, 171, 225-26, 488. *See* Contested elections, Fines, Voters.
- Elli (Ely?), Abraham, justice of peace, Franklin County, 839.
- Elliott, Abraham, justice of peace: Dearborn County, 837; Wayne County, 863.
- Elliott, Robert, Knox County, county seat commissioner, Gibson and Warrick counties, 431-32.
- Ellison, Robert, justice of peace: Harrison County, 844; Washington County, 860.
- Embargo, effect on western country, 776-77.
- Emerson (Emmerson, Ammerson), Jesse, Gibson County, county seat commissioner, Perry County, 531; judge, 841; justice of peace, 841.
- English, Joseph, Warrick County, county seat commissioner, Posey County, 531.
- "Enterprise," early river steamboat, 30.
- Equity, actions in, jurisdiction in circuit courts, 573-74.
- Error coram nobis, writ of, circuit court may issue, 69, 519; when forbidden, 571; general court may issue, 478.
- Erwin, William, justice of peace, Harrison County, 843.
- Espy, David, 832n.
- Espy, Hugh, probate judge, Clark County, 832.
- Estete (Estebb), Isaac, justice of peace, Wayne County, 862n-63n.
- Estray pen, 19.
- Estrays, in Lower Prairie, 123; title, when vested in taker-up, 191; reclaiming by owner, 191; repeal of part of act concerning, 191-92.
- Evans, Jesse, justice of peace, Jefferson County, 848.
- Evans, Robert M., clerk and recorder, Gibson County, 842; doorkeeper, Assembly, 827; justice of peace, Knox County, 852; representative, Knox County, 828, 850.
- Evans, Thomas, candidate for sheriff, Harrison County, 28n; justice of peace, Orange County, 854.
- Evansville, 71, 527-28.
- Evidence, adverse party, examination of, 364-65; depositions as, 265; written instruments, when court to accept as, 456. *See* Witnesses.
- Ewing, John, justice of peace, Franklin County, 839; trustee, New Hope Baptist Church, 707, 710.
- Ewing, John, judge, Knox County, 851.

- Ewing, Nathaniel, commissioner, destroyed Knox County records, 543; county seat grant, Warrick County, 71, 527; to receive subscriptions, Vincennes bank, 761.
- Ewing, Samuel, relief act for heirs of, 125, 711-13.
- Ewing, Thomas, justice of peace, Washington County, 861; trustee, to lay out Samuel Ewing estate, 711-13.
- Exception, bills of, *see* Bills of exception.
- Executions, amount recovered not paid over, procedure, 135, 136; appeals, transcripts not filed, 136; bail may cause to issue when, 137; circuit courts may issue, suits in chancery, 583; constables, failure to serve, 134-35, 268; deeds for lands sold, 344; defendants residing in different counties, 537-38; defendant removing from county, 137; or territory, 143-44; exemptions, 12-17, 60, 133, 374; form to be used by justices of peace, 550-51; jury impeached when, 137-38, 270-71; justice of peace disabled, how served, 136-37; order in which satisfied, 135; real and personal property, when bound, 135; property, release on bond, 38-39; real estate of decedents subject to, 120-22; sale of lands, how indorsed, 344; stay of, justice of peace court, 272, 556; tax collectors, not entitled to certain benefits, 38-39, 240-41; when levied in one county on judgment from another, 456-57; witnesses failing to attend, 265.
- Executors, letters testamentary, bond required, 495; securities insufficient, procedure, 495-96; letters testamentary revoked, liabilities, 496; written instrument necessary as basis for certain actions against, 129-30. *See* Abatement and revival, Decedents' estates.
- Exemptions, execution for debt, 12-17, 60, 133, 374; jury duty, 315, 451; militia service, 41, 60, 181, 280, 281, 315, 381, 390-92, 402-3, 451; militia equipment, from taxation or execution, 60, 374; road labor, 66, 77, 315, 451, 613-14.
- Extreme cruelty, cause for divorce, 31, 59, 356-57. *See* Divorce.
- Fallis, Samuel, justice of peace, Switzerland County, 858.
- Fanisin, David, justice of peace, Clark County, 833.
- Farmers' and Mechanics' Bank of Indiana, incorporation, 74-75, 747-54; governor to suspend subscription to, 805-6.
- Faux Chanaille, 124.
- Fees, act concerning, 160-62; act concerning repealed, 160; attorneys: suits against collectors, 167-68; suits in chancery, 73, 583; clerks of court, certificates, appeal cases, 136; clerks, court of chancery, 118-19; clerks, circuit court: 487, 522; action for debt, 536, 538; chancery cases, 584; lists of fines, 626; recording transcripts, 631; clerks, common pleas: certificates, appeals, 268; issuing licenses, sales of merchan-



*Fees (cont.)*

- dise, 323; probate, 161-62; transcripts, land lists, 260; constables, summoning jury, 271-72; coroners, 160-61; county treasurers, 288; inspectors, flour, beef, and pork, 342; judges common pleas, attendance tax sales, 319; jurors, 272; justices of peace: act concerning repealed, 160; extra services, 629-30; summoning jury, 272; transcripts, 266; militia surgeons, 390; notaries public, 112; in presentments or indictments, 165; recorders, 161, 162; referees, justice of peace court, 628; sheriffs: action for debt, 536; chancery suits, 585; distraining and advertising property, 262, 318; militia fines, collection, 397-98; taxes, collection, 263, 278, 320, 321, 322-23; serving subpoena, 160-61; taking recognizance of special bail, 569-70; tax lists, 260; witnesses, 40-41.
- Felony, conviction of, cause for divorce, 59, 356.
- Fences, in Lower Prairie, 122-24, 125-26.
- Ferguson, James, coroner, Clark County, 834; justice of peace, Clark County, 833; trustee, Salem, 724.
- Ferries, establishment of, 649; ferrymen exempt from militia duty, 60, 391; owners or occupiers, duties, 39-40, 252; owners to execute bond, 649; rate of ferriage from Ohio River boats, 78, 650; sale or assignment, 650; tax, 57, 310; how vacated, 649.
- Ferris, Ezra, Dearborn County, justice of peace, 837; representative, 829, 830, 835; mentioned, 654.
- Fetter, Daniel, of Clarksville, relief act for, 104, 705-6.
- Fieri facias, writ of, when effective, 131; when issued from one county to another, 457.
- Fines, arson, public buildings, 462; assessment and appropriation of, 625-26; assignments to nonresident attorneys, 117; auditor: neglecting to reaudit warrants on request, 214; refusing to allow examination of records, 506; auditor's warrants, refusal to receive, 58, 215; clerk, court of chancery, neglecting transfer of records, 584; demanding excess fees, 585; clerks, circuit courts, neglecting duties, 487, 616; clerks, common pleas, neglect of duty, 259, 315, 477-78; clerk, general court, neglecting transfer of certain suits, 563, 565; conscientious objectors, for militia exemption, 281, 391-92; constables: refusing to execute warrant or summons, 267-68; failing to attend trial, 642-43; counterfeiting, 76, 618-19; county or territorial officers refusing territorial or county bills at face value, 332; county treasurer, neglect of duty, 277; Decatur Bridge Company failing to keep bridge in repair, 664-65;

*Fines (cont.)*

dueling: persons failing to record oaths, 444; persons withholding information on, 444-45;  
 election officials, 66, 226-27, 229, 231, 233, 235-36, 488; elections, persons bartering votes or intimidating voters, 234-35; how estreated from circuit to general court, 478; ferry owners, 39-40, 252;  
 flour, beef, or pork: owners or agents selling without inspection, 341; adulterating flour, 342; altering or erasing brands, 343; inspectors overcharging, 342;  
 forgery, 618-19; Indian trade, persons violating regulations, 150, 151; Indians, persons assisting against whites, 23, 150-51; judges circuit courts, neglect of duty, contested elections, 492; judges common pleas, neglect of duty, 259, 277; jurors failing to attend, 272, 436;  
 justices of peace: failing to execute writ of certiorari, 243; refusing to pay over fines, 246-47, 556; road fines, failure to collect, 482;  
 liquor, persons vending at musters, 29, 183; listers of taxes, neglect of duty, 259-60, 485; merchandise venders, unlicensed, 274, 323-24; navigation, persons blocking, 299-300, 300-1; negroes or mulattoes, persons removing illegally, 138-39; nonresident attorneys practicing in territory, 22-23, 116-17; persons neglecting duties in removal of capital, 26, 338; practicing physicians, acting as judges, 65,

480; provision of Ordinance concerning, 95; public officers, persons failing to assist, 462; referees, justice of peace court, refusing appointment or neglecting duty, 628; road labor, nonperformance, 29, 170; road officials, neglect of duty, 615;  
 sheriffs: election duties, neglect of, 226; excess fees, 319, 585; judges, failing to notify of special court, 436; road duties, neglecting, 616; tax duties, neglecting, 319, 353, 487;  
 supervisors of roads, neglect of duty, 610-11; swindling, 606, 607, 608; tavern keepers, 302; tax commissioners, neglect of duty, 315; tax lists, persons refusing to make, or making fraudulent, 256, 313; timber, persons trespassing by cutting of, 355-56; toll keepers, Hogan Creek bridge, demanding excess tolls, 665-66; town plats, failure to record, 31, 217; treasurer, refusing to allow examination of records, 506; trespassing on public property, 462; witnesses, non-attendance, 40, 265, 492. *See* Militia.  
 Finney, James, nominated for Council, 824n.  
 Fisher, George, councilor, Randolph County, 825; nominated for Council, 824n; representative, 823, 824.  
 Fisk, Abraham I., justice of peace, Jefferson County, 848.  
 Fisk, James, appointed judge, 820n.  
 Fleming, Peter, judge, Wayne County, 862.

- Fletcher, John, prosecuting attorney: Perry County, 855; Warrick County, 859.
- Flinn, William, justice of peace, Jackson County, 846.
- Flint, Joseph, justice of peace, Wayne County, 863.
- Flint, William, justice of peace, Knox County, 852.
- Flour, beef, and pork, inspection, 341-43, 445-46; warehouses, 343-44.
- Floyd, Davis, Clark County, allowance to, stationery, 498-99, 566, 654; auditor public accounts: 821; allowance for supplies, 499; certain accounts legalized, 500; salary payment, 507; clerk, House, 825; commissioner to select site for capital, 154; interest in salt spring, 816; prosecuting attorney: Perry County, 855; Posey County, 856; Warrick County, 859; recorder, Clark County, 834; representative, Clark County, 823, 824, 831; sheriff, Clark County, 834; treasurer, Indiana Territory: 821; authorized to audit certain claims, 688; mentioned, 811; trustee, Corydon Seminary, 729.
- Forgery, act to prevent, 76, 618-19.
- Fort Harrison, 42.
- Fort Recovery, 5, 6, 99.
- Fort Wayne, 10, 42.
- Foster, Chambers, justice of peace, Dearborn County, 837.
- Fouts, David, justice of peace: Clark County, 833; Washington County, 861.
- Franklin County, formation, 10, 11-12, 108-10, 190, 838; apportionment: House (1810), 22, 171; (1813-14), 65, 455; Legislative Council (1814), 68; clerk of circuit court to serve as clerk, general court, 563; county seat, Brookville, 31, 218-19; circuit courts: length of session, 557; reorganization, 475, 518; rules of practice, 69-70; when held, 189-90, 282, 363, 479, 557; courts of common pleas: erection of public buildings, duties, 109-10; to fill vacancies, county seat commissioners, 110-11; to supervise opening of White-water, 43, 298, 300; when held, 188-89, 282, 362; election of judge, 838n-39n; jail, 32n; officers, 838-40; sheriff, extension of time for collection of taxes, 648; tax rate, 57; temporary county seat, 111.
- Fraud, *see* Elections, Swindling.
- Frauds and perjuries, assignments, contracts, leases, etc., writing required when, 129-30; judgments, date of to be recorded, 130-31; merchandise, sale of, when binding, 130.
- Fredericksburg, 45.
- French, Daniel, relief act for, 79, 655-56.
- French, Richard, justice of peace, Harrison County, 844.
- French, descent and conveyance of property, 92; election difficulties at Vincennes, 38.
- Fugit, John, justice of peace, Franklin County, 839.

- Fuller, Salmon, justice of peace, Clark County, 833; relief act for, 104, 705-6.
- Fulton, Robert, incorporator, Ohio Steamboat Navigation Company, 10, 11, 714-15.
- Fulton, Samuel, justice of peace, Dearborn County, 836.
- Fulton, Thomas, judge, Orange County, 854.
- Gaines, General Edmund P., 805.
- Galy, Marian (Mariann), *see* Mariann Bornand.
- Gamble, William, justice of peace, Knox County, 853.
- Gamelin, Pierre, judge, Knox County, 850; death, 850.
- Gayness, Thomas T., justice of peace, Dearborn County, 836.
- Gelwick, Andrew, justice of peace, Clark County, 833.
- General Assembly, allowance for: candles, 499, 507, 655, 690-91; firewood, 59, 173, 174, 253, 287, 366, 499, 655; rent, 40, 59, 174, 253, 359, 366, 654, 690-91; stationery, 40, 113, 173, 174, 253, 287, 358, 498-99, 566, 654-55; table, 174; appointments, commissioners for fixing county seats, 325; composition, 6-7, 94, 99; disrupted by division of territory, 8-9; doorkeepers: listed, 823, 824, 825, 826, 827, 828, 830; compensation of, 187-88, 249, 334, 497, 548; first convened, 6; how convened, prorogued, or dissolved, 94, 99; joint resolutions and memorials: apportionment, 8-9, 767, 768-70; Henry Batman, relief of, 804; Major General Jacob Brown, thanks to, 804-5; capital, land grant for, 24, 154, 772-74; dissolution of legislature, 767-68; governor, appointment, 770-71, 795-96; Harrison, thanks to, 30, 784; Indians, protection against, 42, 793-95; judges of general court, duties, 66, 70, 801-2, 808-10; land office, Brookville, 26-27, 774-76; land purchasers, relief to, 42-43, 776-80, 790-92, 806-8; Lieutenant Samuel Littell, relief of, 803-4; manufacturers, relief of, 814-15; militia, remuneration of, 797-98, 811; Mounted Rangers, remuneration of, 803; Ohio, state-line road, 81, 687; post route, Salisbury to Eaton, 798; salt spring, 816; sheriffs, election of, 27, 772, 778; statehood, 41, 787-88, 811-14; suffrage, extension of, 780-83; Vincennes and Madison banks, subscriptions to, suspended, 805-6; Vincennes University, confirmation of land titles sold by trustees of, 792-93; White-water River, navigation of, 43, 790; widows and orphans, Tippecanoe, relief of, 30, 785-86; journals of House and Council, extracts from, to be furnished, 788-89; powers under Ordinance and federal laws: to alter law of descent, 91-92; to alter

*General Assembly (cont.)*

- laws of governor and judges, 93, 99-100; to apportion representatives, 8; to elect delegate to Congress, 95, 99; to regulate and define powers and duties of civil officers, 93, 99;
- records, resolution for preservation of, 811; refuses steamboat monopoly, 11; rules of procedure, printing of, 174;
- sessions: (1805), 822-23; (1806), 823-24; (1807), 824-25; (1808), 825; (1809), 8-9, 767-68, 768-70, 825-26; (1810), 9-29, 826; (1811), 25-26, 29-41, 827; (1813), 26, 42-59, 827-28; (1813-14), 59-68, 828; (1814), 68-76, 829-30; (1815), 76-82, 830;
- time of meeting, 361, 504, 586.
- See* House of Representatives, Legislative Council.
- General fund, transfers to, 239-40, 250-51.
- Gibbs, Justus, Dearborn County, coroner, 838; justice of peace, 836.
- Gibson, John, judge, Clark County, 831.
- Gibson, General John, acting governor, 26, 42, 797-98, 800, 819n;
- allowance to: copying and transmitting certain laws, 566; distributing laws, 289;
- justice of peace, Indiana Territory, 863; secretary, Indiana Territory, 819; signs laws and resolutions, 1813 session, 298-366 *passim*; trustee, Indiana Church, 192; mentioned, 807. *See* Secretary, Indiana Territory.
- Gibson, John, Jr., recorder, Knox County, 854.
- Gibson County, formation, 58, 348-50, 840;
- apportionment: House, 65, 455, 841n; Legislative Council, 68, 840n;
- boundary changes, 530, 604-5, 643;
- circuit courts: length of session, 557; reorganization, 475, 518; when held, 363, 479, 557;
- courts of common pleas: to regulate tolls, Patoka River bridge, 434; when held, 362;
- county seat commissioners, 431-32; officers, 840-42; public buildings, 349; temporary county seat, 58, 350.
- Gill, Robert, justice of peace, Knox County, 852.
- Gill, Samuel, justice of peace, Knox County, 852.
- Gilliland, John, justice of peace, Switzerland County, 858.
- Gilliland (Gilleland), Thomas, trustee, Vevay, 674.
- Glenn, John, justice of peace, Orange County, 854.
- Glover, Joseph, justice of peace, Orange County, 854.
- Golay, Elisha, director, Vevay Literary Society, 735;
- justice of peace: Jefferson County, 848; Switzerland County, 857;
- representative, Switzerland County, 830, 857; trustee, Seminary of Vevay, 679.
- Goodwin, Amos, justice of peace, Clark County, 834.
- Goodwin, William, judge, Clark County, 831, 832.
- Goodwin, Willis W., clerk and recorder, Posey County, 857;



*Goodwin, Willis W. (cont.)*

- justice of peace, Clark County, 833; relief act for, 39, 243-44, 466; sheriff, Clark County, 18, 834; and others, appeals against removal of county seat, Clark County, 18-19.
- Governor, appointed, 6, 92, 98, 99; appointive power, 27-28, 93, 99;
- appointments: associate judges, 475-76; chancellors, two additional, 366; circuit judges, 519; clerks, circuit courts, 476-77, 522, 647; prosecuting attorneys, 117; territorial treasurer, 468;
- capital removal, duties, 328; commander in chief, militia, 93, 99; commission to select capital site, duties, 154, 155, 156-57; communications to president, 98; contingent fund, 174, 253, 361, 423, 498, 548; counties, to erect, 93, 99; dueling, forbidden, 443; elections, councilors, to announce result, 494; freehold estate, 92, 99; General Assembly, to convene, prorogue, and dissolve, 94, 99; Illinois boundary survey, duties, 159;
- Indian trade: to issue licenses for, 23, 149; not to be concerned in, 151;
- Indian treaties, may issue ardent spirits at, 151; lawmaking powers, 6, 92-93, 94, 99; memorial to Congress on appointment of, 795-96; militia general officers, nomination of, 61n, 378-79; oath of office, 94-95, 99; residence, 26, 92, 99, 339; special elections, to issue writs for, 94, 99, 171-72, 233; superintendent of Indian affairs, 99; term, 92, 99; trading posts, to designate, 150; vacancy of office, 98; Vincennes lottery, to receive bonds for, 106. *See* John Gibson, William Henry Harrison, Thomas Posey.
- Graddy, John, judge, Posey County, 856.
- Graeter, Frederick, justice of peace, Knox County, 853.
- Graham, Daniel, judge, Clark County, 832.
- Grand jury, courts common pleas, special sessions, 435-36; how summoned, 569; roads, examination of, 345.
- Grass, Daniel, judge, Warrick County, 858; justice of peace, Knox County, 852.
- Gray, Jesse, Jefferson County, 688.
- Green, Elizabeth (Purcell), divorce, 64, 472-73.
- Green, Henry, justice of peace, Harrison County, 844.
- Green, Jonah, divorce, 64, 472-73.
- Gregory, James, justice of peace, Orange County, 854.
- Griffin, Anthony, justice of peace, Gibson County, 841.
- Griffin, John, judge, general court, 819, 819n-20n.
- Gristmills, fortifications for channel, 653; persons wishing to erect, when entitled to ad quod damnum, 652; tolls, 23, 653; when public, 23, 153.
- Guard, David, 671.
- Guard, Ezra, justice of peace, Dearborn County, 837.
- Guest, Job, judge, Clark County, 831.

- Gwathmey, Samuel, register land office, 175, 279, 359, 830n-31n; clerk, Clark County, 834; councilor, 822, 823, 824, 825, 830, 830n-31n; justice of peace, 833; recorder, 834.
- Habeas corpus, writ of, circuit courts may issue, 69, 519, 568-69; when forbidden, 571; courts of common pleas: when to issue, 241; act concerning repealed, 603-4; general court may issue to circuit court, 478; persons confined for criminal offenses, 436; pleading to return made upon, 571-72; provisions of Ordinance concerning, 95.
- Hadden, John, Knox County, commissioner to select site for capital, 154; candidate for representative, 826n; representative, 826, 850.
- Hagglin, Spencer, justice of peace, Clark County, 834.
- Halberstadt, Anthony, coroner, Franklin County, 840.
- Halbert, Joel, judge, Orange County, 854.
- Hall, John, justice of peace, Franklin County, 839.
- Hall, William, justice of peace, Jefferson County, 848.
- Hamia (Hanna?), John, justice of peace, Franklin County, 840.
- Hamilton, James, Dearborn County, recorder, 838; sheriff: 837, 837n-38n; allowance for election services, 246; relief act for, 39, 238-39; repealed, 345-47.
- Hammond, James D., justice of peace, Perry County, 856.
- Hanna, Robert, Jr., sheriff, Franklin County, 32n, 360, 840.
- Harbin, Sally, *see* Sally Beckes.
- Harbison, John, councilor: Harrison County, 826, 827, 828, 842; Harrison and Clark, 829, 830, 831, 842; trustee to lay out Samuel Ewing estate, 711-13.
- Hardin, Jacob, judge, Knox County, 850.
- Hargrave, Hezekiah, justice of peace, Warrick County, 859.
- Hargrove, Captain William, of Mounted Rangers, remuneration for, 799-801.
- Harlan (Harlin), George, Dearborn County, trustee, New Hope Baptist Church, 707, 710.
- Harlan, Joshua, judge, Franklin County, 838, 839; trustee, Brookville, 437.
- Harland, William, judge, Wayne County, 862.
- Harmin, David, trustee, Salisbury, 666.
- Harrington, William, Gibson County, courts to be held at house of, 58, 350; judge, 841.
- Harris, Tyse (Tyre), justice of peace, Washington County, 861.
- Harrison, Christopher, judge, Harrison County, 847; justice of peace, Jefferson County, 848; representative, Jefferson County, 830, 847; to receive subscriptions, Madison bank, 752.
- Harrison, Edmond, justice of peace, Franklin County, 840.
- Harrison, Nicholas, judge, Clark County, 831.

- Harrison, William Henry, appointed governor, 6, 819; appointive power, 27-28, 838n-39n, 844n-45n; army appointments, 819n; at Battle of Thames, 59; opposition to, 24, 27; plantation, boundary of Borough of Vincennes, 732; proclamations, 8, 9, 17, 769; reappointment asked by Assembly, 770-71; resignation, 26, 42, 819n; resolution of thanks to, 30, 784; signs laws and resolutions, 1809, 1810, 1811 sessions, 105-289, 706-23, 767 *passim*; veto, removal of capital, 25. *See* Governor.
- Harrison County, formation, 842;
- apportionment: House (1809), 8, 767, 769; (1810), 9, 22, 171; (1813-14), 65, 455; Legislative Council (1814), 68;
- associate judges, allowance to Daniel French authorized, 656; boundary changes, 126-27, 446; claim of Dennis Pennington against, 689-90;
- circuit courts: length of session, 557; reorganization, 475, 518; when held, 189-90, 283, 479, 557;
- contested election, 827n;
- courts of common pleas, when held, 188, 362; election, sheriff, 28n; jail, 32n; officers, 842-46; tax arrearages, 220-21; vote for territorial delegate (1809), 7n.
- Hart, Absalom, justice of peace, Harrison County, 844.
- Hartwood, William, judge, Clark County, 831.
- Hay, Andrew P., trustee, Charlestown, 463.
- Hay, John, Clark County, justice of peace, 833.
- Hay, John, St. Clair County, councilor, 822, 822n-23n.
- Hay, John D., recorder, Knox County, 854; records destroyed in fire at home of, 72-73, 543, 655, 728; to receive subscriptions, Vincennes bank, 761.
- Hay, Samuel, sheriff, Clark County, 834.
- Hayes, Caleb, incorporator, Decatur Bridge Company, 660.
- Hayes (Hays?) Samuel, doorkeeper, General Assembly, 12, 113, 824, 825, 826.
- Hays, Samuel, coroner, Knox County, 854.
- Hazleton, Gervas, justice of peace, Gibson County, 841.
- Heirs, *see* Abatement and revival.
- Helm, William, justice of peace, Franklin County, 840.
- Henderson, Eli, justice of peace, Franklin County, 839.
- Hendricks, William, allowance to: furnishing copies of journals to Elihu Stout, 335; postage, 497; printing laws, 499; services in impeachment case, 811;
- attorney for United States, 820, 829n; clerk, House, 828, 830;
- prosecuting attorney: Jefferson County, 847; Switzerland County, 857;
- representative, Jefferson County, 828, 829, 847; in Congress, 82n, 820n; signs private laws and memorials, 1814 session, 727-63, 805-10 *passim*.

- Henly, Jesse, justice of peace, Clark County, 833.
- Heth, Harvey, Harrison County, commissioner to select site for capital, 154; councilor, 113, 825, 842.
- Heth, Richard M., allowance to, candles, 507; clerk, Harrison County, 844; recorder, 846; trustee, Corydon Seminary, 729; mentioned, 506, 845n.
- Higgins, Thomas, justice of peace, Warrick County, 859.
- Highways, *see* Roads.
- Hillis, David, Jefferson County, relief act for, 433.
- Hilton, John, justice of peace, Clark County, 833.
- Hobin, George, *see* George Tobin.
- Hogan, Edmund, justice of peace, Gibson County, 841; toll bridge, 434-35.
- Hogan Creek, bridge, *see* Decatur Bridge Company.
- Hoggatt, Moses, judge, Washington County, 860; justice of peace, Harrison County, 843; representative, Harrison County, 113, 826, 842.
- Hoggatt, William, clerk and recorder, Orange County, 855; representative, Harrison County, 827, 842; sheriff, Washington County, 861.
- Hogs, tax, 82, 690.
- Hogue, John, relief act for, 164, 721-22.
- Hollowell, Henry, justice of peace, Orange County, 854.
- Hollowell, Jesse, justice of peace: Knox County, 853; Orange County, 854.
- Holman, George, county seat commissioner, Wayne County, 110.
- Holman, Jesse L., county seat commissioner, Switzerland County, 540; councilor, Dearborn and Jefferson counties, 829, 835, 847; incorporator, Decatur Bridge Company, 660; presiding judge, second and third circuits, 822, 829n; proprietor, Decatur, 79n; prosecuting attorney: Dearborn County, 836; Jefferson County, 847; representative, Dearborn County, 828n, 829, 835; signs private laws and memorials, 1814 session, 727-63, 805-10 *passim*.
- Holman, Joseph, representative, Wayne County, 829n, 830, 862.
- Holmes, Hugh, justice of peace, Orange County, 854.
- Holt, Jacob S., justice of peace, Clark County, 834.
- Hoover, David, county seat commissioner, Franklin County, 109; judge, Wayne County, 862; justice of peace: Dearborn County, 837; Wayne County, 862.
- Hoover, Henry, justice of peace, Wayne County, 863.
- Hope, Adam, justice of peace, Gibson County, 842.
- Hopkins, Henry, sheriff and coroner, Gibson County, 842.
- Hopkins, Major General Samuel, 803.
- Horner, Jacob, coroner, Dearborn County, 838.
- Horse racing, tax, 82, 690.
- Horse thieves, 31, 211, 212.
- Horses, taxes, 56, 310.
- Hosatt, Messhack, justice of peace, Jefferson County, 849.

- House of Representatives, apportionment: (1809), 8, 767, 769; (1810), 9, 22, 171; (1813-14), 65, 454-55; (1814), 72, 532, 541; act of 1810 repealed, 455-56; rate of, 93, 100;
- clerks: listed, 823, 825, 826, 827, 828, 829, 830; compensation, 113, 187, 249, 334, 497, 548; required to furnish transcripts from journal, 788-89;
- contested elections, 827n, 829n; councilors, to nominate, 6, 94, 99;
- members: listed, 823-30; compensation, 12, 12n, 112-13, 187-88, 249, 334, 497, 547; elected when, 171, 225-26, 488; how elected, 6, 7, 37, 102, 226; number, 8, 100; qualifications, 7, 28, 64, 93-94, 99, 172, 442-43, 492, 493; term, 94, 99; speaker, to certify compensation accounts of members, 188, 249-50, 335, 497-98, 547;
- special session, reapportionment of Council, 68, 829; vacancies, how filled, 94, 99, 171-72, 233-34, 455. *See* Contested elections, General Assembly.
- Houses, *see* Mansion houses.
- Howard, Brigadier General Benjamin, 42n.
- Howard, Joseph, justice of peace, Jefferson County, 849.
- Howe, Ebenezer, justice of peace, Franklin County, 840.
- Huckleberry, Martin, coroner, Clark County, 834; relief act for, 656.
- Huddleson, Job, trustee, Center-ville, 682.
- Huff, Abraham, judge: Clark County, 831, 832; Knox County, 850.
- Huff, William T., justice of peace, Franklin County, 840.
- Hughes, James, Clarksville, relief act for, 104, 705-6.
- Hulick, Barent, judge, Dearborn County, 835, 836.
- Hunt, George, clerk and recorder, Wayne County, 863; trustee, Salisbury, 666.
- Hunt, Jeremiah, judge, Dearborn County, 835, 836.
- Hunt, Nathaniel, judge, Jefferson County, 847; to receive subscriptions, Madison bank, 752.
- Hunter, Edmund, justice of peace, Washington County, 861.
- Hunter, Edmund C., justice of peace, Washington County, 861.
- Hunter, John, relief act for, 354-55.
- Hunter, William, printer of early laws, 83.
- Hurst, Elijah, justice of peace, Harrison County, 844.
- Hurst, Henry, allowance to, services in contested election, 134; clerk, Council, 114, 823, 825, 826; clerk, general court, 821; prosecuting attorney: Clark County, 832; Harrison County, 843.
- Hurst, John, Jr., Harrison County, coroner, 845; letter to Posey on county jail, 32n; sheriff, Harrison County, 28n, 845.
- Huston, Alexander, justice of peace, Washington County, 861.



- Huston, Samuel, Washington County, judge, 860; justice of peace, 861.
- Illegitimate children, support of, 145-48.
- Illinois Territory, formation, 4, 8, 102-3; Indiana boundary, proposed survey, 158-59; tax arrearages at time of formation, 167-68.
- Impeachment, 646-47. *See* Isaac Shelby.
- Imports, 273, 308.
- Impotency, cause for divorce, 31.
- Imprisonment, apprentices refusing to return to masters, 166; arson, persons committing, 462; bail, persons refusing to procure, 436; for debt, 32-37, 143-44.
- elections: officials, 233; persons committing or inciting to fraud, 234-35;
- illegitimacy cases, 146, 148;
- militia, refusing tour of duty, 412-13. *See* Jails, Prison bounds.
- Incorporations, *see* Centerville, Charlestown, Corydon Seminary, Decatur Bridge Company, Farmers' and Mechanics' Bank of Indiana, Indiana Church, The, Lawrenceburg, Lawrenceburg Bridge Company, Lexington, New Hope Baptist Church, Ohio Steamboat Navigation Company, Roman Catholic Church, Vincennes, Salem, Salisbury, Vevay, Vevay, Literary Society of, and Seminary of, Vincennes, Bank of, and Borough of.
- Indiana Church, The (Presbyterian, Vincennes), incorporation, 23, 120, 192-94.
- Indiana Manufacturing Company, of Lexington, 607.
- Indiana Territory, formation, 4, 5, 99-100; boundary changes, 4-6, 100-1, 101-2, 102-3; census, 41, 587-88; claims against, how audited, 214-15, 330-33; defense for frontier, 42, 42n, 793-95; delegates to Congress, 821; enters second grade, 6; exports, 779; Illinois boundary, proposed survey, 158-59; lands attached to Cincinnati district, 26-27; officers, dying or resigning, salaries how audited, 688; officers, listed, 819-21; population, 7, 9, 10; statehood, memorials for, 41, 787-88, 811-14; relations with Vincennes and Madison banks, 74-75, 752-53, 754, 761-63, 805-6. *See* Attorney general, Auditor of public accounts, Capital, Chancellor, General Assembly, Governor, Secretary, Treasurer, U. S. Congress.
- Indians, cessions, 9-10; provisions of Ordinance concerning, 93, 96; regulation of trade with, 23, 149-51; relations with, 10, 26, 29-30, 42, 149, 790-92, 793-94, 806-7; superintendent of Indian affairs, 99.
- Indictments, costs, prosecution failing or defendant unable to pay, 164-65; pleading, 38, 237-38; United States to be deemed prosecutors in courts of record, 164; voluntary informers to indorse, 65, 448.
- Informers, voluntary, *see* Indictments.

- Ingram, John, 31n.
- Injunctions, circuit court may issue, chancery cases, 573-74; procedure, 579-81.
- Innkeepers, 29, 183.
- Inns, *see* Taverns.
- Inquiry, writ of, in action for debt, 535.
- Insane persons, examination of, 650-51; guardians, 651, 651-52; property, court may sell for support of, 651; without property, entitled to relief as paupers, 652; sale or conveyance by, void, 650; suits against, procedure, 651-52.
- Inspectors, flour, beef, and pork, appointment, 341; oath, 341; compensation, 342; duties, 342-43.
- Intoxicating liquors, forbidden at militia musters, 29, 182-83; sale by unlicensed persons, 56; sale to Indians, how regulated, 23, 150, 151. *See* Alcoholic beverages.
- Ireland, John, justice of peace: Dearborn County, 837; Wayne County, 862.
- Iron, 308-9.
- Ives, Nancy, *see* Nancy Whitford.
- Ives, Nehemiah, marriage legalized, 727-28.
- Jack, James, justice of peace, Harrison County, 843.
- Jack, Samuel, county seat commissioner, Orange County, 644; justice of peace, Harrison County, 843n.
- Jackson, Ezekiel, justice of peace, Dearborn County, 837.
- Jackson County, formation, 76, 601-2, 846; circuit courts, when held, 646; county seat commissioners, 602; officers, 846; proposed addition to, 603; temporary county seat, Vallonia, 603.
- Jacobs, Joseph, justice of peace, Clark County, 833.
- Jails, building and repair of, 19; insecurity of, 32n; at Charlestown, 18-19, 140.
- James, Pinkney, 738.
- Jeffers, Runnels, justice of peace, Perry County, 855.
- Jefferson County, formation, 10, 11, 104-5, 847; apportionment: House (1810), 22, 171; (1813-14), 65, 455; Legislative Council (1814), 68, 847n; boundaries: changes, 538-39, 541-42, 601-2; northern boundary, 603; circuit courts: length of session, 557; reorganization, 475, 518; when held, 189-90, 283, 363, 479, 557; claim of John Vawter against, 688-89; court of common pleas, when held, 188, 189, 362; county seat, Madison, 105; election, judge common pleas, 28n; militia, 433; officers, 847-49; taxes, 57-58.
- Jeffersonville, act for regulation of, 473-74; county seat, Clark County, 17-20; county seat removal, 139, 217; proposed location of capital, 26; mentioned, 31, 80.
- Jenkins, James, *see* James Jenkins.
- Jennings, Jonathan, assistant clerk, House, 825; candidacy, delegate to Congress, 38; circular letter on Rangers, 799; delegate to Congress, 821, 821n-22n; governor, 822n;

*Jennings, Jonathan (cont.)*

- resolutions to: on extension of suffrage, 27; on making sheriffs elective, 27, 772.
- Jeofails, 458.
- Johnson, Charles, justice of peace, Clark County, 833.
- Johnson, James, judge, Knox County, 850; treasurer, Indiana Territory, 359, 500, 821.
- Johnson, John, clerk, House, 827;  
councilor: Knox County, 827, 828, 849; Knox and Washington, 829, 830, 849, 860; justice of peace: Gibson County, 841; Knox County, 852; prosecuting attorney: Gibson County, 841; Warrick County, 859;  
representative, Knox County, 113, 823, 824, 826, 849.
- Johnston, General Washington, Knox County, allowance for indexing laws, 106-7; appeal against slavery, 21-22; attorney general, 820; auditor, 359, 821; clerk, House, 823; justice of peace, 852; prosecuting attorney, 851;  
representative: 113, 824, 825, 826, 827, 850; contested election, 119;  
on committee for printing laws, 163-64, 185-86, 208; and journals, 185; signs laws, resolutions, and memorials, 1809, 1810, 1811 sessions, 107, 172-289, 706, 723, 767-80 *passim*; treasurer, Indiana Territory, 507, 821; welcomes Harrison, 30.
- Joint Resolutions, *see* General Assembly.
- Jones, Jabez, justice of peace, Knox County, 852.
- Jones, James G., coroner, Warrick County, 859; justice of peace, Perry County, 855.
- Jones, John Rice, attorney general, 820; councilor, Knox County, 822, 823, 824, 825, 849.
- Jones, Lewis, justice of peace, Dearborn County, 837.
- Jones, Peter, auditor, Indiana Territory, 175, 821; judge, Knox County, 850, 851; representative, 826, 827, 850.
- Jones, Rice, representative, Randolph County, 825.
- Jones, Samuel, coroner, Posey County, 857.
- Jones, William, clerk, House, 113, 825, 826; councilor, Knox County, 826, 827, 849; justice of peace, 852; on committee for printing of laws, 163-64, 185-86, 208; and journals, 185; to receive subscriptions, Vincennes bank, 761.
- Jones and Dubois, allowance to for stationery, 40, 253, 287, 358.
- Jordan, Ephraim, judge, Knox County, 850, 851.
- Jouette (Jouett), Charles, justice of peace, 863.
- Journals of House and Council, 169, 185, 788-89.
- Judges, distrust of, 65, 457; fines, to whom paid over, 625, 626; ineligible, as county treasurers, 275; to seat in Assembly, 493; judgments, to record date of, 130-31; militia officers, to administer oath to, 561; qualifications, 64-65, 443, 480;  
*circuit court*, associate: appointment, 475-76, 519; compensation, 69, 475-76,

*Judges, circuit courts (cont.)*

- 519-20; criminal cases, when not to try, 69, 518; duties of judges of common pleas, county business, transferred to, 475; oath, 520; probate matters, cognizance in, 572-73; qualifications, 519; tax lists, to correct, 486; term, 475-76, 519; unfinished business from former circuit courts, how handled, 570; when to meet for county business, 558;
- presiding: appointment, 65, 69, 475-76, 519; assignment, 475; compensation, 69, 475-76, 519; in first and second circuits, 617; criminal cases, when not to try, 69, 518; judge of second circuit to perform duties of judge, third circuit, 617, 822n; list of, 822; oath, 520; qualifications, 518, 519; term, 69, 519;
- presiding and associate: appointments, judges of elections, 66, 488; prosecuting attorneys, 524; attorneys, may license, 522; contested elections, duties, 491-92; court to be held in each county of circuit, 570-71; habeas corpus, procedure, 571-72; probate matters, cognizance of, 617-18; recognizances, procedure, 520-21;
- common pleas*, appointments: county agent, 327; county treasurer, 275; county seat commissioners, to fill vacancies, 328; overseers of roads, 345; prosecuting attorneys, 449-50;
- complaints, lists of lands, procedure, 258; county orders, to issue, 276; county seat selection, duties, 326; county tax, to levy, 312; duties transferred to associate judges, circuit court, 475; elections, duties, 226, 227, 235; listers of land, to order payment of, 260; ne exeat, procedure, 143-44; neglect of duty, 236, 259, 277; negroes and mulattoes, to issue certificates for removal of, 138-39; road supervisors, to make allowance to, 481-82; sheriffs' bonds, to take, 316; special courts, criminal cases, 435-37; special sessions, claims against counties, 322; tax lists, to examine, 312; tax sales, attendance, 263, 319; *general court*, appointment, 98; chancellor may serve as, 172; circuit courts, to preside in, 65, 475; duties, jurisdiction, memorial to Congress, 808-10; freehold estate, 92, 99; lawmaking powers, 6, 92-93, 99; list of, 819-20; ne exeat, procedure, 143-44; number, 92, 99; quorum, 92, 99; oath, 94-95, 99; relation to circuit court, memorial to Congress, 801-2; residence, 92, 99; term, 92, 99; *general quarter sessions*, to serve as justices of peace, 832n; *nisi prius*, 283; *oyer et terminer*, 283. See Courts, Poor persons, Justices of peace.
- Judgments, arbitrations, when entered on, 285; corrections, how made, 458; execution, when to issue, 272, 556, 630;

*Judgments (cont.)*

- form to be used by justices of peace, 550, 553, 553-54; order in which satisfied, 135. *See* Fees, Fines, Frauds and perjuries, Justices of peace.
- Julian, Isaac, justice of peace, Wayne County, 863.
- Junkins (Jenkins), James, justice of peace, Wayne County, 863; trustee, Centerville, 682.
- Juries, on appeals from justices of peace courts, 266-67; courts of common pleas, special sessions, 436; constables may impanel, when, 270-71; exemptions from service on, 315, 451; fees, 272; finding plaintiff in arrear to defendant, procedure, 457; in habeas corpus proceedings, 571-72; members failing to attend, 272; suits before justice of peace, 271, 642.
- Justices of peace, apprentices, ill treated or deserting, procedure, 165-66; assumpsit, action for, what constitutes, 633-34; *capias*, may issue when, 632; constables, may appoint, 629; copies of proceedings, to furnish on request, 628; covenant, action for, what constitutes, 633; debt: actions of cognizable before, 264; procedure, 466-67; what constitutes, 633; defendant failing to appear, procedure, 270; disabled, procedure, 136-37, 269; election records, duties, 232-33; fines collected, to whom paid over, 556, 625, 626; forgery and counterfeiting, duties concerning, 619; forms for use of, 548-56, 634-42; illegitimacy cases, duties, 145-48; judges of quarter sessions empowered to act as, 832n; judgments: appeals from, 136, 265-67, 478, 524, 556, 568, 642; confessed before, procedure, 630-31; by default, rehearing when granted, 629; defendant not appearing, 628-29; execution when to issue, 272, 556, 630; transcripts, 136, 266, 268, 269, 631; when final, 630; jurisdiction: concurrent with circuit courts when, 627; extended, 77-78, 271, 556, 626-43; jury, to summon when, 271, 642; may serve in Assembly, 28, 493; militia officers, to administer oath to, 561; ne exeat, when issued, 143; negroes, to issue certificates for removal of, 138-39; nonresidents bringing suit, procedure, 632; pauper oath, to administer, 304; referees, to appoint on request, 627, 628; removal from office, 648; road labor, duties, 29, 170, 482, 567, 612; special bail, when to require, 270; supersedeas, when to issue, 640; tavern keepers, may fine, or suppress taverns, 302; trespass, action for, what constitutes, 639; withholding amount of fines or executions, 136, 246-47, 268-69, 460; witnesses, may subpoena, 264-65; writ of certiorari, duties, 242. *See* Fees, Fines.
- Kamp (Camp, Kemp), Godlove, Washington County, judge, 860; justice of peace, 861.



- Kaskaskia (Kaskaskies), 3, 92.
- Keeler, Sandford, justice of peace, Franklin County, 840.
- Kelso, William, justice of peace, Washington County, 861.
- Kennedy, Joseph, justice of peace, Knox County, 852.
- Kercheval, Benjamin B., justice of peace, Knox County, 853.
- Ketcham (Kelchman, Ketchman, Ketchum), John, judge, Jackson County, 846; justice of peace, Washington County, 861; mentioned, 602.
- Kibbey (Kibby), John C., justice of peace, Wayne County, 863; trustee, Salisbury, 666.
- Kimberlin, Abraham, justice of peace, Clark County, 833.
- Kindle, Thompson, justice of peace, Harrison County, 844.
- Kinsey (Kinzie), John, justice of peace, Knox County, 851.
- Kintzee (Kinzie), J., justice of peace, Indiana Territory, 863.
- Kinzie, John, *see* John Kinsey, and J. Kintzee.
- Kitchell, Harry, justice of peace, Jackson County, 846.
- Kitchell (Kitchel), Joseph, judge, Jackson County, 846; judge, Washington County, 860; acts as judge, Washington County, legalized, 645.
- Kitchell, Wickliff, sheriff, Jackson County, 846.
- Knight, James, trustee, Brookville, 437.
- Knox County, formation, 849; allowance to, rent, 40, 174, 253; apportionment: House (1809), 8, 767, 769; (1810), 9, 22, 171; (1813-14), 65, 455; Legislative Council (1814), 68; boundary changes, 348, 643; circuit courts: affected by 1813-14 act, 66n; depending actions in chancery court transferred to, 583; records transferred, 583-84; length of session, 557; militia funds, to appropriate for school, 425; reorganization, 475, 518; term, 646; when held, 363, 479, 557; clerk of circuit court to serve as clerk, general court, 563; contested elections, 119, 134; court of common pleas: adjourned, 107; allowance to road viewers, 340; relief act for John Hunter, duties, 354-55; when held, 362-63; early extent, 3; election frauds charged in, 38; militia, 423-24, 425; officers, 849-54; petitions, appointment of sheriff, 28n; records destroyed, 72-73, 542-46, 728; school tax, 485; sheriff, to notify Gibson and Warrick county seat commissioners, 432; tax arrearages, 220-21, 244-45; vote for territorial delegate and representatives (1809), 7n.
- Kuykendall, Abraham, justice of peace, Knox County, 852.
- Kuykendall (Kuydendoll), Jacob, allowance to, services in contested election, 133-34; coroner, Knox County, 854.
- Lagoe (Lagoe), Wilson, justice of peace, Knox County, 851n; to receive subscriptions, Vincennes bank, 761.
- Lamb, Israel, justice of peace, Perry County, 855.

- Lamb, Jeremiah, coroner, Washington County, 861.
- Lamb, Simeon, associate judge, Washington County, 645, 860; trustee, Salem, 724.
- Lamb, Solomon, clerk and recorder, Perry County, 856.
- Lamphere, David, sheriff, Dearborn County, 837.
- Land office, memorial to Congress for establishment of, 774-76.
- Lander, Abraham, justice of peace, Knox County, 852.
- Lands, assessed quadrennially, 40, 254; county tax, 77, 278, 608-9; how listed for taxes, 255-57, 260-61, 310-12, 485-86, 612; how rated for taxation, 40, 56-57, 260-61, 286-87, 310, 311; owners may appeal on tax appraisalment, 312; public, seven per cent on sale of asked for territory, 812; relief for purchasers asked, 42-43, 776-80, 790-92, 806-8; sale for taxes, 262, 263, 318-19, 320-21, 487. *See* Listers of land, Tax commissioners.
- Lane, Amos, prosecuting attorney, Franklin County, 839.
- Lane, Daniel C., judge, Harrison County, 843.
- Lawrenceburg, incorporation, 79-80, 671-74; proposed location for capital, 26; mentioned, 10, 31.
- Lawrenceburg Bridge Company, incorporation, 75-76, 737-47; extension of time for subscriptions, 671; no other bridge or ferry to be established near, 671.
- Laws, distinction between public and private, 84-85; how enacted, 6, 94, 99; militia law, separately printed, 60, 185-86, 499; printing and distribution, 83-84, 106-7, 163-64, 169, 185-86, 208, 279-80, 287-88, 289, 360, 499-500, 565-66, 586-87, 653-54, 691; private, printed by title only, 73-74, 169, 587, 703; provisions regarding existing (1816), 12; (1851), 16; road law, separately printed, 616; subject to approval of Congress, 93, 99.
- Lazenby, John C., 846n.
- Leases, of school sections, 131-32. *See* Frauds and perjuries.
- Lee, Moses, justice of peace, Orange County, 854.
- Leech, George, allowance, judge contested election, 119; judge, Knox County, 850, 851.
- Leer, Jacob, justice of peace, Jefferson County, 849.
- Legislative Council, apportionment, 68, 532, 541, 645; clerks: listed, 823, 825, 826, 827, 828, 830; compensation, 114, 187, 249, 334, 497, 548; contested elections, 134; members: listed, 822-30; appointed, 6, 94, 98; compensation, 12, 12n, 112-13, 187-88, 249, 334, 497, 547; elected, 7, 8, 37, 226; number, 94, 99; oath of office, 94-95, 99; qualifications, 6-7, 28, 64, 94, 99, 172, 442-43, 492, 493; term, 94, 99; president, to certify compensation accounts of councilors, 188, 249, 335, 497, 547; quorum, 94, 99; secretary, required to furnish transcripts of journal, 788-89; vacancies, how filled, 94, 99, 233-34, 620.
- Legislature, *see* General Assembly.

- Lemon, James, Clark County, justice of peace, 832; sheriff, 834.
- Letchan, Joseph, justice of peace, Knox County, 853.
- Letters of administration, probate of, 572-73, 617-18.
- Letters testamentary, probate of, 572-73, 617-18; void without bond, 495; insufficient securities, procedure, 495-96; when repealed, 496.
- Levingston, John, justice of peace, Dearborn County, 836.
- Lewis, Alexander, justice of peace, Jefferson County, 848.
- Lewis, Richard, justice of peace, Wayne County, 863.
- Lewis, Samuel, justice of peace, Harrison County, 844.
- Lexington, incorporation, 64, 80, 621-25.
- Libraries, 735, 736. *See* Vincennes Library Company.
- Licenses, attorneys, 522; ferries, 649, 650; Indian traders, 23, 149; liquor, sale of, 56; merchandise, sale of, 273-75, 308, 323-24; taverns, 56.
- Lilly, William H., justice of peace, Clark County, 834.
- Lindley, Jonathan, judge, Washington County, 860.
- Lindley, William, Sr., Washington County, county seat commissioner, Jackson County, 602; courts held at home of, 447-48, 479.
- Lindley (Lindly), William, Jr., Orange County, courts held at home of, 644.
- Lindley, Zachariah, justice of peace: Harrison County, 843; Washington County, 861; sheriff, Orange County, 855.
- Liquor, *see* Alcoholic beverages, Intoxicating liquors.
- Listers of land, appointment, 254; compensation, 260; lands, how listed, 40, 255-56; lands, how rated, 286-87; lists delayed, procedure, 257; neglect of duty, 259; nonresidents, lands of, 257; oath, 255; personal property, assessment of, 255; reports, form of, 257; sheriffs and deputies ineligible as, 255; vacancies, how filled, 255. *See* Fees, Fines, Listers of taxes, Tax commissioners.
- Listers of personal property, relief act for, 339.
- Listers of taxes, appointment, 485; compensation, 485; neglect of duty, 485; procedure, 486. *See* Listers of land, Tax commissioners.
- Littell (Little), Absalom, Sr., justice of peace, Clark County, 833.
- Littell (Little), Absalom, Jr., justice of peace, Clark County, 834.
- Littell (Little), John T., justice of peace, Clark County, 833.
- Littell, Lieutenant Samuel, of U. S. Rangers, memorial for relief of, 803-4.
- Littell, William D., justice of peace, Harrison County, 843.
- Little, Alexander, judge, Washington County, 860.
- Livingston, Robert, incorporator, Ohio Steamboat Navigation Company, 10, 11, 713-15.
- Local government, *see* Brookville, Centerville, Charlestown, Lawrenceburg, Lexington, Salem, Salisbury, Vevay, Vincennes, Borough of.

- Long, Abraham, justice of peace, Jefferson County, 848.
- Lost River, 49n.
- Lost towns, 45, 54.
- Lotteries, for Vincennes Library, 105-6.
- Louisville (Ky.), proslavery influence of, 20.
- Love, David, clerk and recorder, Posey County, 857.
- Lowe, William, judge, Washington County, 860.
- Lower Prairie, near Vincennes, regulation of, 122-24; separate inclosures allowed in, 125-26.
- Lucas, Jesse, justice of peace, Washington County, 861.
- Ludlow, Stephen, commissioner, subscriptions for Lawrenceburg bridge, 737.
- Lynch, Thomas, justice of peace, Orange County, 854.
- Lyner, Daniel, justice of peace, Warrick County, 859.
- Lynn, Daniel, justice of peace, Dearborn County, 837.
- Lynn, Dann, judge, Posey County, 856.
- Lyon, Jonathan, sheriff, Jefferson County, 849.
- McAfee, John, trustee, to lay out Samuel Ewing estate, 711-13.
- McAllister, Aeneas, judge, Warrick County, 858; justice of peace, Knox County, 852.
- McCale (McCabe?), James, justice of peace, Jefferson County, 849.
- McCall, James B., judge, Knox County, 851.
- McCalla (McCally), Hugh, appointed to Council, 831.
- McC Campbell, J a m e s, C l a r k County, grant, county seat, 140, 141; justice of peace, 833; trustee, Charlestown, 463.
- McCandless (M'Canless), John, allowance to, stationery and fuel, 173-74; doorkeeper, Assembly, 826; sheriff, Knox County, 28n, 853; death, 853; administrators and securities of: relief act for, 39, 220-21; to pay over tax moneys for, 483-84; heirs of, relief act for, 251.
- McCarty, Benjamin, Franklin County, commissioner to select site for capital, 154; judge, 838, 839.
- McCarty, Enoch, clerk and recorder, Franklin County, 840; justice of peace, Dearborn County, 836.
- McCarty, James, justice of peace, Dearborn County, 836.
- McCarty, Jonathan, justice of peace, Dearborn County, 836.
- McC Clean, William, justice of peace, Wayne County, 863.
- McClintoch, John, coroner, Clark County, 834.
- McClure, Daniel, judge, Knox County, 850, 851; representative, Knox County, 828, 850; Knox, Gibson, and Warrick, 828, 829, 850.
- McClure, James, judge, Switzerland County, 857.
- McClure, Samuel, relief act for, 164, 721-22.
- McClure, William, trustee, Indiana Church, 192.
- McConnell, James, justice of peace, Clark County, 833.
- McCormick, William, justice of peace, Knox County, 852.



- McCoy (McCay), Thomas, trustee, Centerville, 682.
- McCrery, John, justice of peace, Gibson County, 841.
- McDaniel, James, Sr., judge, Perry County, 855; justice of peace, Knox County, 851n.
- McDonald, James, Perry County, courts held at home of, 531.
- McDonald, John, justice of peace, Knox County, 852.
- McDonald, John, surveyor, 155.
- McDonald, Peter, Clark County, coroner, 834; trustee, Charlestown, 140-42.
- McFagertt, James, trustee, Charlestown, 463.
- McFarland, Thomas, justice of peace, Jefferson County, 848.
- McFarland, William, Jefferson County, commissioner to select site for capital, 154; favors removal of capital to Madison, 25; judge, 847; representative, 827, 828, 847; allowance to, 359-60.
- McGary, Hugh, Warrick County, courts held at home of, 453-54; judge, 858; reconveyance of Evansville property to, 71-72, 528.
- McGee, James, justice of peace, Harrison County, 843.
- McGready, Israel, justice of peace, Knox County, 852.
- McIntire, John, to receive subscriptions, Madison bank, 752.
- McIntire, Robert, justice of peace: Clark County, 832; Washington County, 861.
- McIntosh, Peter, Harrison County, county seat commissioner: Jackson County, 602; Orange County, 644; Washington County, 447; judge, Harrison County, 842, 843.
- McIntosh, William, treasurer, Indiana Territory, 821.
- M'Junkin, John, Gibson County, 432.
- McKay (McCay, McCoy), James, justice of peace, Clark County, 833.
- McKee, Samuel, coroner, Knox County, 854.
- McKee, Thomas, justice of peace, Harrison County, 844.
- McKinley, Samuel, justice of peace: Clark County, 833; Jefferson County, 847.
- McKinney, James, justice of peace, Washington County, 861.
- McPheeters, Hugh, justice of peace, Washington County, 861.
- Maddox, John W., justice of peace, Knox County, 853.
- Madison, James, memorial to, defense of territory, 793-95.
- Madison, county seat, Jefferson County, 105; proposed location for capital, 25, 26. *See* Farmers' and Mechanics' Bank of Indiana.
- Maffit, Robert, death of, 79, 655-56.
- Magistrates, *see* Justices of peace.
- Major, William, Dearborn County, judge, 836; justice of peace, 836.
- Malicious prosecutions, voluntary informers, when liable for costs, 65, 448-49; act concerning repealed, 556.
- Manan's Mill, 49.
- Mandamus, writ of, jurisdiction, 69, 519.



- Mansion houses, tax on repealed, 273.
- Manufacturers, memorial for relief of, 814-15.
- Manwaring (Manwarring), Solomon, Dearborn County, coroner, 838;  
councilor: Dearborn County, 112, 825, 826, 827, 828, 835, 838n, 862n; Dearborn, Jefferson, and Switzerland, 830, 835, 847;  
judge, 836; signs laws, 463; special mileage allowance, 253; mentioned, 24n.
- Marchal (Marreshal), Antoine, judge, Knox County, 850; mentioned, 659.
- Marriage, actions concerning promise of, not triable in justice of peace court, 78, 637. *See* Divorce.
- Marrs, James, judge, Warrick County, 858; justice of peace: Posey County, 856; Warrick County, 859.
- Marrs, Samuel R., justice of peace, Posey County, 856; sheriff, Warrick County, 859.
- Marshall, John, justice of peace, Gibson County, 841.
- Marshals for United States, 821.
- Martin, Aaron, judge, Wayne County, 862.
- Martindale, John, justice of peace, Wayne County, 863.
- Maxwell, James, justice of peace, Orange County, 854.
- Maxwell, John, Jefferson County, coroner, 849; justice of peace, 848.
- Maxwell, John, trustee, Centerville, 682.
- Maxwell, Richard, Wayne County, commissioner to select site for capital, 154.
- Meek, Alexander A., county seat commissioner: Jackson County, 602; Switzerland County, 540;  
prosecuting attorney, Jefferson County, 847; to receive subscriptions, Madison bank, 752.
- Meek, Jeremiah, judge, Wayne County, 862;  
justice of peace: Dearborn County, 837; Franklin County, 839;  
trustee, Centerville, 682.
- Meek, John, justice of peace, Jefferson County, 849.
- Memorials to Congress, *see* General Assembly.
- Menard, Pierre, councilor, Randolph County, 822, 823, 824.
- Merchandise, license acts, 273-74, 323-24; repeal of act, 308. *See* Frauds and perjuries, Stores, Trade.
- Merriwether, Samuel, justice of peace, Clark County, 834.
- Messinger, John, representative, St. Clair County, 825.
- Metcalf, Thomas P., incorporator, Decatur Bridge Company, 660.
- Michigan Territory, formation, 4, 101-2.
- Milburn, John, justice of peace, Gibson County, 841.
- Milburn, Joseph E., incorporator, Decatur Bridge Company, 660.
- Militia, act concerning partially repealed, 181-82, 280;  
adjutant generals: commissions, to keep roll of, 375; compensation, 63, 402; du-

*Militia (cont.)*

- ties, 401; franking privilege, 383; loss of militia property, to prosecute for, 409; militia returns, duties, 399; printed forms, to provide for corps commanders, 178; rank, 381;
- adjutants: compensation, 181, 402; duties, 401; number, 376; rank, 381;
- age limits, 60, 373; aides-de-camp, 375-76, 381; appraisers of equipment, compensation, 407; artillery, 387, 388, 403; battalions: how composed, 60, 177, 375; independent, 182; staff, 376;
- brigade inspectors: allowance, 63, 402; duties, 401; number, 376; rank, 381;
- brigade quartermasters, 376, 381;
- brigadier generals: appointment, 61n, 378-79; appointments by, 376; number, 376;
- brigades, composition and staff, 375, 376; called into service, how, 402-3;
- captains: appointment or dismissal of noncommissioned officers, 282; company returns, when to make, 177; enrollment duties, 177, 281, 373; neglect of duty, 404; number, 376;
- cavalry, 180, 280, 387, 388-89, 403; classes, 179, 403-4;
- clerks: compensation, 63, 402; duties, 184, 398-99, 412; number, 376; rank, 381;
- colonels: accounts, 184; appointments, 376; drill masters, to superintend, 561; duties, 178; number, 282, 376; returns, when to make, 561;
- colors, 382; command, eligibility to, 380;
- commander in chief: appointments, 93; calling out militia, 182, 402-3, 422, 561; court martial, may order when, 417, 562; divisions and brigades, to set off, 374; governor to serve as, 93, 99; "new tactics," may introduce, 183;
- companies: how composed, 375; in remote settlements, 182; returns, 62; staff, 376;
- corporals, 376, 382;
- courts martial: appeal from, 562; how composed, 417, 423; procedure, 418-19; on request, 421-22; who may call, 417;
- courts of inquiry: appeal from, 562; assessment of fines, 178, 183, 395-97; certain compensation, to decide, 63, 402; examining duty, 390-91; formation, procedure, 419-20;
- delinquency board of commissioners, 412-13; desertion, 411-12; discharges, 179-80; districts, 386-87; divisions, 375; draft evasion, 414-15; drum major, 376, 402; drummers, 63, 376, 402; elections, 376-78, 379-80, 383; emigrants, when enrolled, 177; enrollment, 177, 281, 373; ensigns, 376; equipment, 60, 180, 373-74, 388-89, 395; exemptions, 41, 60, 181, 280, 281, 315, 381, 390-92, 402-3, 451; expenses, contingent fund, when to cover, 423; fife majors, 376; fifers, 63, 376, 402;

*Militia (cont.)*

fines: assessment, 178, 395-97; bystanders, insulting officers or militiamen, 63, 390; captains refusing quota, 404; collection, 176-77; desertion, 411-12; draft evasion, 415; fathers, guardians, and masters bound for, 394; frank, improper use of, 383; use of, 180-81, 184, 415; misbehavior on review, 421; neglect of duty, 63, 392-94, 425; officers failing to transfer funds or records, 424; refusing to assemble organization, 420-21; refusing to attend court martial, 417; refusing tour of duty, 412-13;  
 first regiment, surplus funds, 425; fourth regiment, transfer, 423-24; general officers, how appointed, 93, 99; grenadiers, 387, 389; how officered, 375-76;  
 in service: commissary, 407-10; compensation, 423; equipment, appraisal, 407; exempt from arrest under civil process, 407; organization, 406; subject to rules and regulations of U. S. armies, 423; volunteers, how officered, 410-11;  
 inadequacy against Indians, 794; inspector general, 399; intoxicating liquors, when forbidden, 29, 182-83; judge advocates, 181, 183, 418-19; laws to be separately printed, 60, 185-86, 499; lieutenant colonels, 282; lieutenants, 376; light infantry, 387, 389;  
 major generals: appointment, 61n, 93, 378-79; appoint-

ments by, 375-76; dismissal of incompetent officers, 380-81; number, 375;  
 majors, 177-78, 280, 282, 376;  
 musicians, misbehavior on review, 421; musters, 29, 61, 178, 179, 180, 182-83, 384-86, 389-90, 561;  
 noncommissioned officers: appointment and dismissal, 282, 382; classes, 179; misbehavior, 421;  
 officers: accountable for losses of militia property, 409; arrests, 416-17; behaving in unofficial manner, 421; dueling forbidden, 443; eligible to seat in Assembly, 28, 172, 493; grades, 179, 184, 374-75; oaths, how administered, 561; refusing to assemble men, 420; resigning, 424; term and dismissal, 380-81; tours of duty, 404-6; of volunteers, 410-11;  
 organization, 60, 375; pardons, 419; paymasters, 63, 376, 381, 398, 401-2, 424; persons sued for anything done in pursuance to act, how to plead, 416; provost marshal, 402;  
 punishments: desertion, 411-12; draft evasion, 415; officers, 404, 420, 421; refusing tour of duty, 412-13;  
 quartermaster general, 375, 381, 422-23; quartermasters, 376, 381;  
 regiments: how composed, 177, 375; how officered, 282; staff, 376;  
 removal of capital, use for, 338; remuneration of, 797-98, 803, 811; returns, 177-78, 181,

*Militia (cont.)*

- 182, 399-400, 561; riflemen, 387, 389; sergeant majors, 376; sergeants, 176-77, 183, 376, 382; service, how credited, 411, 422; sixth regiment, 433; spies, 403; staff officers, rank, 381-82; students not exempted, 10, 183; substitutes, 404, 415-16; surgeons, 376, 381, 390; transfers, 179-80, 382; uniforms, 60-61, 184, 379, 387; vacancies, how filled, 376-78; volunteer corps, 387-89; warrants, form of, 414.
- Miller, John, judge, Clark County, 832.
- Miller, Levi, justice of peace, Dearborn County, 837.
- Miller, Robert, justice of peace, Dearborn County, 837.
- Millis, Edward, justice of peace: Orange County, 854; Washington County, 861.
- Mills, Henry I., coroner, Knox County, 854.
- Mills, *see* Gristmills.
- Milroy, John, clerk and recorder, Jackson County, 846.
- Ministers of gospel, exempt from militia duty, 60, 391; from road labor, 77, 613-14.
- Minors, militia fines, 394; minors' estates in jurisdiction of circuit courts, 572-73, 617-18.
- Mississippi Territory, refuses steamboat monopoly, 11.
- Mittimus, form used by justices of peace, 555-56.
- Molder, Jacob, justice of peace, Orange County, 854.
- Money, *see* Currency.
- Montgomery, Isaac, judge, Gibson County, 841; justice of peace, Knox County, 852; relief act for, 340; representative, Knox, Gibson, Warrick, 828, 829, 850.
- Montgomery, Joseph, Gibson County, judge, 841; justice of peace, 841.
- Montgomery, Thomas, justice of peace, Gibson County, 841.
- Montgomery, William, justice of peace, Clark County, 833.
- Montgomery, Wilson, justice of peace, Knox County, 852.
- Moorman, William V., judge, Knox County, 850, 851.
- Morgan, John, justice of peace, Harrison County, 844.
- Morton, Thomas, judge, Perry County, 855.
- Moshier, Paulina, *see* Paulina Barker.
- Mount, David, representative, Franklin County, 830, 838.
- Mounted Rangers, 798-801.
- Mounts, Caleb, justice of peace, Switzerland County, 857.
- Mules, taxes, 56, 310.
- Munroe (Monroe), Michael, justice of peace, Jefferson County, 848.
- Nance, Clement, mentioned, 211, 845n.
- Navigable streams, when to be common highways, 96; legislation on, 43, 44-52. *See* Whitewater River.
- Ne exeat, writ of, when and how issued, 69, 142-43, 519; procedure upon, 143-44, 573-74, 581-82.
- Neely, Thomas, toll bridge, 434-35.
- Negroes and mulattoes, early laws concerning, 20-22; poll tax on free, 485; removal, right to be proved, 138-39.

- Nelson, John, justice of peace, Wayne County, 863.
- New, Robert A., judge, Clark County, 832.
- New Edinborough, 743.
- New Hope Baptist Church, Deer Creek, incorporation, 23, 122, 706-11.
- "New Orleans," first Ohio River steamboat, 30.
- New Orleans (La. Terr.), trade with, 44, 779.
- Newland, George, judge, Clark County, 831.
- Newman, Caleb, justice of peace, Harrison County, 844.
- Nichols, George, justice of peace, Dearborn County, 837.
- Niller, Joseph D., justice of peace, Perry County, 856.
- Noble, James, allowance to, stationery, 113; clerk, House, 11, 826; clerk, Council, 12, 113, 826; councilor, Franklin and Wayne, 822n, 830, 838, 862; in U. S. Senate, 82n; presiding judge, third circuit, 822; prosecuting attorney: Franklin County, 839; Switzerland County, 857; Wayne County, 862; representative, Franklin County, 828, 829, 838; signs laws, resolutions, and memorials, 1813-14 session, 431-81, 505, 798 *passim*; mentioned, 654, 821n.
- Nonresidents, forbidden to practice in courts, 22-23, 116-17; care of sick, 79, 655-56; divorce, 357; suits in chancery, procedure, 577; asking ne exeat, costs, 582; suits before justices of peace, 632; taxation, 63, 96, 257, 261, 317, 438, 622.
- Northwest Territory, division of, 99-100; early county organization, 3-4; ordinance for government of, 91-97; states to be formed in, 96-97.
- Norton, Benjamin, trustee, Ve-vay, 674.
- Notaries public, acknowledgments, may certify, 111-12.
- Notice, circuit court, how given, 572; suits in chancery, how given, 583.
- Nugent, Bennet, justice of peace, Clark County, 834.
- Oaths, commissioners to select site for capital, 157; courts of inquiry, 420; election officials, 228-29, 489, 490; inspectors, flour, beef, and pork, 341; judge advocate, 418; listers of land, 255; militia commissary, 409; militia election officials, 376-77; persons confessing judgments, 631; tax commissioners, 309-10; territorial officers, on dueling, 442; treasurer of territory, 469. *See* Perjury.
- Oatman, John, justice of peace, Harrison County, 843.
- Ockiltree (Ochletree), John, Knox County, county seat commissioner, Gibson and Warrick, 431-32; judge, 850; trustee, Indiana Church, 192.
- Office, appointment to, limitations on, 39, 246; disqualifications for, 235, 442-43.
- Ohio, state of, admission to Union, 6, 100-1; joint action on road requested, 81, 687; joint action on Whitewater requested, 43, 790; refuses steamboat monopoly, 11.



- Ohio Steamboat Navigation Company, incorporated, 10-11, 144, 713-15.
- Orange County, formation, 78, 643-44, 854; apportionment, Council, 645; circuit courts, where and when held, 644, 646; county seat commissioners, 644; officers, 854-55.
- Ordinance of 1787, pp. 91-97.
- Orleans, Territory of, grants steamboat monopoly, 11.
- Osbourne, Willis C., judge, Gibson County, 841.
- Overman, Ephraim, representative, Dearborn County, 113, 826, 835.
- Overseers of poor, 146.
- Overseers of roads, 29, 170, 345.  
*See* Supervisors of roads.
- Owl Prairie, 48.
- Paddacks (Paddox), Joseph, Harrison County, candidate for sheriff, 28n; county seat commissioner: Perry County, 531; Washington County, 447.
- Parke, Benjamin, attorney general, 820; chancellor, 820; commissioner, destroyed Knox County records, 543; delegate to Congress, 821, 824n; judge, general court, 820, 821n; opinion, removal of county seat, Clark County, 19; presiding judge, circuit court, 475; representative, Knox County, 823, 824, 849.
- Parr, Enoch, justice of peace, Washington County, 861.
- Partition, writ of, 69, 519.
- Parvin, John, justice of peace, Clark County, 833.
- Patoka River, toll bridge, 434-35.
- Patterson (Paterson), Samuel, justice of peace, Jefferson County, 848; trustee, Lexington, 621.
- Patterson, Squire, justice of peace, Knox County, 853.
- Paul, John, clerk and recorder, Jefferson County, 849; representative, Clark County, 826, 831; to receive subscriptions, Madison bank, 752.
- Paupers, *see* Poor persons.
- Penalties, apprentices, deserting, 167; coroners, neglect of duty, executions, 460; election frauds, persons committing, 235, 492-93; false oath, 235, 304-5, 307, 444; justices of peace, failing to pay over money, 460; negroes and mulattoes, illegal removal, 139; sheriffs, neglect of duty, executions, 460. *See* Fines, Punishments.
- Pennington, Dennis, contractor, Corydon courthouse, relief act for, 82, 689-90; justice of peace: Clark County, 832; Harrison County, 843; representative, Harrison County, 826, 828, 829, 830, 842; contested election, 827n; signs laws, resolutions, and memorials, 1810, 1815 sessions, 105-94, 706-22, 772, 814-16 *passim*.
- Percival, Jabez, judge, Dearborn County, 835, 836.
- Perjury, false oath or affirmation to be treated as, 235, 305, 307, 444. *See* Frauds and perjuries.
- Perry, Samuel, justice of peace, Knox County, 853.
- Perry County, formation, 72, 530, 855; apportionment, 72, 532, 855n; circuit court, 532,

*Perry County (cont.)*

- 557; county seat commissioners, 531; election, representative, 532-33; officers, 855-56; temporary county seat, 531.
- Petit jury, how summoned, 569.
- Peyton, Captain Craven, of Mounted Rangers, remuneration for, 799-801.
- Pfrimmer, John George, judge, Harrison County, 842.
- Physicians, practicing, ineligible as judge, 65, 480; provision repealed, 562; required on jury for examination of insane persons, 651.
- Piatt, Benjamin M., justice of peace, Dearborn County, 836.
- Pigeon Roost, 42.
- Pillory, 19.
- Pilots, at Jeffersonville, exempt from militia duty, road labor, jury service, on certain payments, 451.
- Pinnick, John, justice of peace, Orange County, 854.
- Plaintiff, may require defendant to answer on oath, 466-67.
- Playing cards, tax, 82, 690.
- Pleadings, constable, levying execution when property rights are contested, 137; debt actions, 456, 535-36; habeas corpus, return to writ of, 571-72; indictments, 237-38; militia, anything done in pursuance of militia act, 416; revival of suits, 115.
- Pluries, writ of, form, justice of peace court, 635-36.
- Polk, Charles, judge, Perry County, 855.
- Polk, Isaac, justice of peace, Dearborn County, 837.
- Polke, Thomas, coroner, Knox County, 854.
- Polke (Polk), William, Knox County, county seat commissioner, Gibson and Warrick, 431-32; judge, 851; justice of peace, 852; representative, 829, 830, 850.
- Poll keepers, *see* Elections.
- Poll tax, 41, 58, 278, 350-51, 485.
- Poor, overseers of, duties, illegitimacy cases, 146.
- Poor persons, act for help of, in suits at law, 58, 303-5.
- Pope, George F., Harrison County, clerk, 844; prosecuting attorney, 843; recorder, 846; trustee, Corydon Seminary, 729; mentioned, 845n.
- Pork, principal export from western country, 779. *See* Flour, beef, and pork.
- Porter, General Peter B., 805.
- Posey, Francis, coroner, Perry County, 856.
- Posey, Thomas, calls out militia, 797-98; governor, Indiana Territory, 819; letter from John Hurst, Jr., 32n; on reorganization of courts, 66n; reapportions Council, 68; report on militia, 60n-61n; signs laws and memorials, 1813-14, 1814 sessions, 425-509, 727-63, 798-808 *passim*; urges revised militia law, 60; mentioned, 800.
- Posey County, formation, 71, 529, 856; apportionment, 72, 532, 855n; circuit court, 532, 557; county seat commissioners, 531; election, representative, 532-33; extended, 604-5; officers, 856-57; temporary county seat, 530-31.
- Post routes, 798.

- Powel, Nathan, assessor, Dearborn County, allowance to, 253.
- Practice, rules of, circuit courts, 567-73. *See* Franklin County.
- Prairie du Rocher, 3.
- Prather, Basil, Washington County, clerk, 861; recorder, 862.
- Prather, John, justice of peace, Clark County, 833.
- Presbyterian Church, *see* Indiana Church, The.
- Presentments, *see* Indictments.
- Prewitt, James A., justice of peace, Clark County, 834.
- Price, Benjamin D., justice of peace, Knox County, 852.
- Prince, William, Knox County, allowance, services, contested election, 119; auditor public accounts, 175, 359, 500, 821; commissioner to select site for capital, 154; councilor, 113, 134, 825, 849; county seat commissioner, Gibson and Warrick, 431-32; justice of peace, Knox County, 852; prosecuting attorney: Gibson County, 841; Knox County, 851; Posey County, 856; Warrick County, 859; required to perform certain duties of former office as auditor, 508-9; sheriff, Knox County, 853.
- Pringle, William, trustee, Lexington, 621.
- Printing, *see* Laws.
- Prison bounds, 32, 33, 34, 221-22.
- Prisons, *see* Jails.
- Private acts, *see* Laws.
- Probate, fees, 161-62; of wills, letters testamentary, etc., in circuit court, 572-73, 617-18.
- Process, act laying tax on repealed, 160; circuit courts may issue to any county, 521.
- Proclamations, in chancery cases, 573-74.
- Property rights, provision of Ordinance concerning, 95.
- Prophet, The Shawnee, 29-30.
- Prosecuting attorneys, appointment, 117, 449-50, 524; compensation, 117, 450, 524-25; duties of attorney general transferred to, 450; sheriffs failing to pay county orders, procedure, 323.
- Prosecutions, *see* Malicious prosecutions.
- Public buildings, county, building and repair of, 19, 327; municipal, 441, 624-25, 678, 734; arson, trespass, injury of, 462.
- Public funds, *see* General fund.
- Public health, regulation of public well (Brookville), 64, 441. *See* Insane persons, Flour, beef, and pork.
- Public notice, *see* Advertisements.
- Public office, appointment to limited to voters, 39, 246.
- Public records, *see* Records.
- Punishments, cruel and unusual forbidden by Ordinance, 95; for counterfeiting, 76, 608; for slaves and servants, 21. *See* Fines, Imprisonment, Militia, Penalties.
- Purcell, Elizabeth, *see* Elizabeth Green.
- Purcell, Jonathan, judge, Knox County, 850.
- Purcell, William, justice of peace, Dearborn County, 837.
- Pure food, *see* Flour, beef, and pork.

- Putnam, Daniel, judge, Gibson County, 841.
- Putnam, Hazeal, justice of peace, Gibson County, 841.
- Quakers, exemption from militia duty, 181; exemption repealed, 280.
- Quick, John, justice of peace, Franklin County, 840.
- Quo warranto, writ of, 69, 519.
- Racicot (Rasico), Francis, trustee, Roman Catholic Church, Vincennes, 716, 720.
- Railroads, 55-56.
- Ralston, Alexander, survey of White River, 47-48.
- Randolph, Thomas, attorney general, 820; candidate, delegate to Congress, 38; prosecuting attorney: Harrison County, 843; Knox County, 851.
- Rawlins, James, justice of peace: Harrison County, 844; Orange County, 854.
- Raymond, David, presiding judge, first circuit, 822.
- Reagan, Nicholas, justice of peace, Franklin County, 840.
- Real estate, conveyance provided for, 92; of decedents, subject to execution, 120-22; judgments binding on, 135; when not to be sold on execution, 121, 135. *See* Frauds and perjuries, Lands.
- Reaugh (Reauch), Samuel, justice of peace, Harrison County, 844.
- Recognizances, forfeited, to be sent from circuit to general court, 478; circuit courts may take, 520-21; form to be used by justices of peace, 555; in illegitimacy cases, 146-47; for special bail, sheriff may take, 569-70.
- Recorders, fees, 161, 162.
- Records, endangered, 26; in charge of secretary of territory, 92; judgments, date of to be recorded, 130-31; preservation of, 17, 73, 127-28, 175, 811; territorial, removal to Corydon, 336, 337-38. *See* Knox County.
- Redemption, sales for taxes, 317-18, 318-19, 453, 559-60.
- Redman, Rezin, judge, Clark County, 832.
- Rees (Reese), David, commissioner, subscriptions, Lawrenceburg Bridge Company, 737.
- Referees, no appeal from judgment on report of, 266; in justice of peace court, 627-28, 630, 636-39, 640.
- Relief acts and resolutions, 104, 106-7, 125, 133-34, 144-45, 152, 164, 220-21, 224, 225, 238-39, 243-44, 244-45, 251, 329-30, 333-34, 339, 340, 354-55, 433, 461, 466, 505, 655-56, 687-88, 688-89, 689-90, 705-6, 711-13, 721-22, 727-28, 728-29, 803-4; repeal of, 345-47.
- Religion, no particular tenets of to be taught in Seminary of Vevay, 681; provisions of Ordinance concerning, 95. *See* Churches.
- Replevin, writ of, 69, 519.
- Representation, provisions of Ordinance concerning, 95. *See* Delegate to Congress, General Assembly.
- Rhoads, Daniel, Warrick County, courts to be held at home of, 72, 528-29.

- Rhoads, Jacob, allowance, printing laws, 565, 653; coroner, Jefferson County, 849; justice of peace, Jefferson County, 849; trustee, Lexington, 621.
- Richardson, Elizabeth, divorce, 31, 212-13.
- Richardson, Isaac, divorce, 31, 212-13.
- Richardson, Jacob, divorce, 31, 211-12.
- Richardson, Jane, divorce, 31, 211-12.
- Riley, James, justice of peace, Harrison County, 844.
- Ristine, Henry, Jefferson County, commissioner to examine claim against Jefferson County, 688; to receive subscriptions, Madison bank, 752.
- Ritchie, John, to receive subscriptions, Madison bank, 752.
- Roads, commissioners, 615, 616; county tax for, 77, 608-9, 611, 613; examination of, 345; hired labor on, 77, 612; interstate action on requested, 81, 687; labor on: required, 29, 39, 66, 73, 77, 248, 481, 566-67, 611; commutation, 77, 614; exemptions, 66, 77, 315, 451, 613-14; failure to perform, 170; parents, guardians, masters responsible for minors, 481; used in towns, 731; records, 616; repeal of road act, 615; state legislation on, 52-55; surveyors, 615, 616; Vincennes to Lower Prairie, 124, 125; width of, 39, 248. *See* Overseers of roads, Supervisors of roads.
- Robb, David, councilor, Gibson and Warrick counties, 829, 830, 840, 855n, 858; justice of peace: Gibson County, 841; Knox County, 851; representative: Knox County, 828, 850; Knox, Gibson, and Warrick, 828, 829, 850; signs laws, 814, 815, 816; mentioned, 506.
- Robbins, Daniel, justice of peace, Jefferson County, 848.
- Roberts, Elias, prosecuting attorney, Warrick County, 859.
- Roberts, Jesse, justice of peace: Orange County, 854; Washington County, 861.
- Robertson, Matthew, justice of peace, Washington County, 861.
- Robertson, William, justice of peace, Washington County, 861.
- Robinson, George, justice of peace, Knox County, 852.
- Rockafellar, Samuel, justice of peace, Franklin County, 839.
- Rodgers, Thomas, coroner, Harrison County, 845.
- Rogers, Aquilla, justice of peace, Clark County, 832.
- Rogers, Henry, justice of peace, Jackson County, 846.
- Roman Catholic Church (Vincennes), incorporation, 23, 158, 324-25, 716-21.
- Roosevelt, Nicholas J., incorporator, Ohio Steamboat Navigation Company, 10, 714-15.
- Ross, George, justice of peace, Clark County, 833.
- Ross, John F., prosecuting attorney: Clark County, 832; Harrison County, 843; Washington County, 860.



- Ross, William, Sr., justice of peace, Dearborn County, 837.
- Rous (Rouse), James, trustee, Seminary of Vevay, 679.
- Routt, George H., justice of peace, Gibson County, 842.
- Routt, William H., justice of peace, Knox County, 853.
- Rowland, Jesse, probate judge, Clark County, 832.
- Royster, Charles, justice of peace, Wayne County, 863.
- Royster (Roister), Stanhope, justice of peace: Dearborn County, 837; Franklin County, 839.
- Ruddick, William, justice of peace, Jackson County, 846.
- Rue, Richard, allowance to, 254; justice of peace, Dearborn County, 836;  
representative: Dearborn County, 113, 826, 835; Wayne County, 827, 862; Wayne County courts to be held at home of, 111; mentioned, 110.
- Rules of procedure, General Assembly, 174.
- Russell, Colonel William, 7th U. S. Regiment, 799.
- Rychart, John, justice of peace, Clark County, 832.
- Ryker, Gerardus, justice of peace, Jefferson County, 848.
- Ryker, Samuel, justice of peace, Jefferson County, 848.
- Sackett (Sacket), David F., trustee, Salisbury, 666.
- St. Clair County (Northwest Terr.), 3.
- St. Francis Xavier, church of, *see* Roman Catholic Church, Vincennes.
- Salisbury, county seat, Wayne County, 31-32, 220; incorporation, 80, 724-27; post route to Eaton, 798; regulation of, 666-70; mentioned, 9, 54, 64.
- Salt springs, memorial to Congress to allow working of, 816.
- Sample's Mill, 48.
- Scares (Seares), Samuel, justice of peace, Jefferson County, 848.
- Schools, school sections, how leased, 131-32; use of proceeds, 132; compensation to trustees, 132. *See* Education, Knox County.
- Scire facias, writ of, in revival of suits, 114-15.
- Scott, Isaac, coroner, Jackson County, 846.
- Scott, James, Clark County, chancellor, 820; judge, general court, 820; presiding judge, circuit court, 475; prosecuting attorney, 832; representative, 828, 831; signs laws, memorials, 1813 session, 298-308, 792-96 *passim*.
- Scott, Brigadier General Winfield, 805.
- Scribner, Nathaniel, justice of peace, Clark County, 833.
- Searles, Daniel, trustee, Lexington, 621.
- Seats of justice, *see* County seats.
- Secretary, Indiana Territory, appointment, 92, 98, 99; court reorganization act, to transmit copies of to clerks, 479-80; depositary of enrolled and printed laws, 92, 163, 238, 500, 565-66, 654; duties, 92, 99; elections, duties, 494; freehold estate, 92, 99; oath of office,

*Secretary, Indiana Territory (cont.)*

94-95, 99; residence, 26, 92, 99, 339; term, 92, 99; Vincennes lottery, to approve bonds for, 106; when acting governor, 98. *See* John Gibson.

Securities, of constables, when liable, 134-35, 268, 306; of coroners, when liable, 460; of sheriffs, when liable, 321, 322, 323, 460; may be discharged when, 582.

Seminaries, *see* Corydon Seminary, Vevay, Seminary of.

Sequestration, writ of, 573-74.

Sering (Serring), John, Jefferson County, to receive subscriptions, Madison bank, 752; mentioned, 689.

Servants, punishment by whipping, 21; masters responsible for road labor, 481; of color: act concerning repealed, 139; taxes, 56, 310, 312.

Shannon, George, justice of peace, Jefferson County, 848.

Shelby, Evan, judge, Clark County, 832.

Shelby, Isaac, Clark County, allowance to, 566; clerk, 834; impeachment, 811; recorder, 834; trustee, Charlestown, 140-42.

Sheriffs, certificate, lands non-saleable for taxes, 263; circuit courts, when to adjourn, 520; county treasurers, 323-24, 625, 626;

deeds: lands or town lots sold for taxes, 451-53, 560; sheriff's successor, when to make, 344;

election duties, 226-27, 232, 233-34, 491, 493, 494, 620; execution for debt, duties, 121-22, 133, 534-35, 537; extra-

legal elections for, 27-28; grand and petit jurors, summons, 569;

ineligible: as county treasurers, 275; as legislators, 493; as listers of land, 255; as tax commissioners, 315;

injunctions, duties, 580; militia fines, collection, 397-98, 413, 415; move to make office elective, 27, 772, 788; neglect of duty, 415, 459-60, 487; recognition of special bail, procedure, 569-70; remedy against deputies, 118; roads, duties, 616; securities, when liable, 321, 322, 323, 460; special courts, criminal cases, duties, 435-37; suits in chancery, duties, 577-78;

tax collectors: acts for relief of, 329, 648; arrearages in collection, 167-68, 276-77; auditor's warrants, to receive as legal tender, 215; benefits of act concerning executions not to apply to, 38-39, 240-41; bonds, 316, 609; claims against, 262; collections, how made, 261, 317, 353, 609; county orders on, 322-23; delinquents, to report, 322; double assessments, how handled, 352-53; failing to pay over money, 321, 323; other persons paying in tax collections for, 654; payments to county and territorial officials, 262-63, 321, 487, 609, 612; persons refusing or making fraudulent lists, 313; receipts, to give for payment of taxes, 487; sales for taxes, 58, 261-62, 317-20, 487; tax duplicates to

*Sheriffs (cont.)*

- be furnished to, 258, 260-61, 486;  
territorial paper, not entitled to interest on, 471; writs of execution, to indorse, 131. *See* Fees, Fines.
- Shields, P a t r i c k, doorkeeper, Assembly, 828; judge, Harrison County, 842, 843; justice of peace, Clark County, 832; mentioned, 211.
- Shively (Shivley), John, justice of peace, Knox County, 852; death, 852n.
- Short, Jacob, county seat commissioner, Switzerland County, 540; justice of peace, Jefferson County, 848.
- Shoultz (S h o l t s, S h o u l t z, Shultz), Captain Frederick, of Mounted Rangers, 799; justice of peace, Knox County, 853.
- Shroads, William, justice of peace, Perry County, 856.
- Siebenthal (Seibenthal), John Francis, director, Vevay Literary Society, 735; sheriff, Switzerland County, 858.
- Slander, actions of, costs, 449, 569; actions of not subject to revival, 115; against women, made actionable, 463.
- Slaughter, James B., coroner, Harrison County, 845.
- Slavery, provisions of Ordinance concerning, 20, 97; attitude of territorial government toward, 20-22, 795-96.
- Slaves, punishment by whipping, 21; tax, 56, 310, 312. *See* Negroes and mulattoes.
- Small causes, *see* Justices of peace.
- Smith, Benjamin, F r a n k l i n County, judge, 839; justice of peace, 839; trustee, Brookville, 437.
- Smith, Charles, to receive subscriptions, Vincennes bank, 761.
- Smith, Elizabeth (Wood), marriage legalized, 706.
- Smith, Hosea, justice of peace, Gibson County, 841.
- Smith, James, commissioner to select site for capital, 154; justice of peace, Knox County, 853; representative, G i b s o n County, 829, 830, 841.
- Smith, John, justice of peace: Clark County, 832; Harrison County, 843.
- Smith, Leroy, 706.
- Smith, William, Harrison County, marriage legalized, 118, 706.
- Smock, James, justice of peace, Clark County, 833.
- Smock, Samuel, Jefferson County, judge, 847; justice of peace, 847.
- Snyder (Snider), Samuel, Warwick County, county seat commissioner, Posey County, 531; judge, 859; justice of peace, 859.
- Sparks, Elijah, attorney for United States, 820; commissioner: county seat, Franklin County, 109; to select site for capital, 154; for subscriptions, Lawrenceburg bridge, 737; death, 688; presiding judge, circuit court, 822; prosecuting attorney: Franklin County, 839; Wayne County, 862; mentioned, 671.

- Sparks, Eliza, administratrix, Elijah Sparks, relief act for, 687-88.
- Sparks, Matthew, justice of peace, Franklin County, 840.
- Spencer, Elizabeth, allowance to: rent, 154; candles, rent, 690-91.
- Spencer, Spier, sheriff, Harrison County, 845; relief acts for heirs and securities of, 39, 220-21, 329-30.
- Spencer, Thomas, coroner, Gibson County, 842.
- Spurgin, Jesse, justice of peace: Harrison County, 844; Washington County, 860.
- Stacy, Peter, coroner, Clark County, 834.
- Stallions, taxes, 56, 310, 312.
- Stapleton, John, justice of peace, Posey County, 856.
- Steamboats, *see* "Enterprise," "New Orleans," Ohio Steamboat Navigation Company.
- Steel's Mill, 50.
- Stephenson, John, justice of peace, Perry County, 855.
- Stevens, Richard, judge, Dearborn County, 835, 836.
- Stevens, Stephen C., prosecuting attorney, Franklin County, 839.
- Stevenson, John, justice of peace, Warrick County, 859.
- Stewart, James, Gibson County, county seat commissioner, Perry County, 531.
- Stewart, William E., clerk and recorder, Posey County, 857.
- Stores, retail, county tax, 56, 77, 310, 312, 608-9; municipal tax, 82, 690.
- Stott, James, justice of peace, Jefferson County, 848.
- Stout, Elihu, Knox County, judge, 851; justice of peace, 851n; printer to territory, 83, 84; allowances to, printing and postage, 169, 174, 279-80, 359, 360.
- Stout, Jonathan, justice of peace, Franklin County, 840.
- Strickland, Joseph, justice of peace, Jefferson County, 848.
- Students, *see* Militia.
- Subpoenas, circuit judges may issue to any county, 521; in chancery cases, how issued, 573-74; contested elections, how served, 492; form to be used by justice of peace, 549-50; justice of peace court, how served, 264-65; justice may issue to any township of county, 264-65; for witnesses, in change of venue, 501; right of poor persons to, 303.
- Suffrage, extension, 7, 27, 28, 102, 780-83; in local government, 79-80, 671-72; right of necessary for appointment to office, 39, 246-47. *See* Elections, Voters.
- Suits, *see* Actions.
- Sullivan, Daniel, Knox County, assessor, relief act for, 224; judge, 851; justice of peace, 853; sheriff, 853; relief act for, 39, 244-45.
- Sullivan, George R. C., allowance to, furnishing copies of journals, 497; assistant clerk, House, 173, 826; clerk, Council, 804, 827, 828, 830; clerk, Warrick County, 859; recorder, Warrick County, 860; mentioned, 506.
- Summons, in actions for debt, how served, 533-34, 534-35, 536; form to be used by jus-

*Summons (cont.)*

- tice of peace, 548-49, 634-35, 639-40; when to issue, 467.
- Supersedeas, writ of, justice of peace when to issue, 640; form, 640-41.
- Supervisors of roads, appointment, 610; compensation, 77, 481, 612-13; duties, 29, 77, 248, 481-82, 610-12, 614, 614-15.
- Sutherland, John, trustee, Salisbury, 666.
- Swindling, act to prevent, 76, 605-8.
- Switzerland County, formation, 72, 538-39, 857; apportionment, 541, 857n; circuit court, 541, 557, 558; county seat commissioners, 540; officers, 857-58; temporary county seat, 540.
- Syndic of Lower Prairie, duties, 122-24.
- Tanner's Creek bridge, *see* Lawrenceburg Bridge Company.
- Taverns, to be listed with general court, 301-2; licensing, 56, 302; taxes, 56, 310, 312.
- Tax collectors, *see* Sheriffs.
- Tax commissioners, appointment, 309; compensation, 315; exempt from militia, road, and jury duty, 315; lands, how rated, 311; property, how listed, 310-11, 612; neglect of duty, 315; nonresidents, lands, procedure, 317; oaths, 309-10; persons ineligible as, 315; persons refusing or making fraudulent lists, procedure, 313; property not listed for preceding year, procedure, 315-16; reports, how made, 311-12, 314; to take census, 587-88. *See* Listers of land.
- Tax duplicates, 258, 260, 276, 311-12, 352, 486.
- Taxation, acts: (1811), land tax, 254-64, 286-87; county levies, 273-78; (1813), permanent revenue, 309-24; correction of duplicates, 352-53; (1813-14), permanent revenue, 484-88;
- for county purposes: 41, 56, 77, 277-78, 312, 485, 608-9, 613; arrearages, 220-21, 238-39, 329-30; special, 58, 350-51; varying rates, 57; exemptions, militia equipment, 60, 374; federal, 96; for municipal purposes, 74, 82, 438, 439, 441-42, 464-65, 622, 623-24, 624-25, 657-58, 667-68, 673, 676-77, 683-84, 690, 724-25, 731;
- for territorial purposes: 40, 56-57, 261, 281, 310, 312; arrearages, 167-68, 220-21, 238-39, 329-30.
- See* Clerks, County treasurers, Listers of lands, Nonresidents, Poll tax, Process, Sheriffs, Tax commissioners, Treasurer, Indiana Territory.
- Taylor, Edmund H., justice of peace, Clark County, 833.
- Taylor, Jonathan, justice of peace, Knox County, 852.
- Taylor, Nathan, justice of peace, Harrison County, 844.
- Taylor, Thomas, justice of peace, Jefferson County, 848.
- Taylor, Waller, chancellor, 175, 820; judge, general court, 820; presiding judge, circuit court, 475; in U. S. Senate, 82n.
- Templeton, John, allowance to, 254; judge, Franklin County, 838; justice of peace, Dear-



*Templeton, John (cont.)*

- born County, 836; representative: Dearborn County, 826, 835; Franklin County, 827, 838.
- Territorial funds, *see* General fund.
- Test, John, clerk, Franklin County, 840; councilor, Franklin and Wayne, 829, 838, 862; prosecuting attorney, Wayne County, 862.
- Testimony, act to perpetuate, 17, 127-28.
- Tevault, George W., coroner, Warrick County, 859.
- Tevault, Robert W., Warrick County, county seat commissioner, Posey County, 531.
- Tharp, Andrew, justice of peace, Franklin County, 839.
- Theft, *see* Horse thieves.
- Thom and Posey, allowance, stationery, 654-55.
- Thomas, Enoch (Evan), justice of peace, Jefferson County, 848.
- Thomas, Jesse B., delegate to Congress, 821; judge, Illinois Territory, 821n; proprietor, Brookville, 441; representative, Dearborn County, 823, 824, 825, 835.
- Thompson, John H., justice of peace, Clark County, 833.
- Thompson, Samuel, trustee, Indiana Church, 192.
- Thorn, John, justice of peace, Jefferson County, 848.
- Thornburgh, Amos, justice of peace, Washington County, 861.
- Timber, trespassing, by cutting of, 355-56.
- Tippecanoe, Battle of, 29-30; memorial for widows and orphans, 30, 785-87.
- Tipton, John, Harrison County, candidate for sheriff, 28n; justice of peace, 844; sheriff, 845.
- Tobin, George, justice of peace: Knox County, 852; Perry County, 855; Warrick County, 859.
- Todd, Thomas, nominated for Council, 824n.
- Tolls, bridges, 79, 434, 662; gristmills, 23, 153.
- Tompkins, Daniel D., incorporator, Ohio Steamboat Navigation Company, 10, 713, 714.
- Town lots, redemption, when sold for taxes, 560; tax on, 56, 310, 312.
- Towns, plats to be recorded, 31, 216. *See* Incorporations, Taxation.
- Townships, how laid out, 93; officers, appointment, 93; commissioners, 609-10, 613, 614; treasurers, 609-10, 612, 613, 614; property to be listed by township for tax purposes, 612.
- Trade, Ohio River and New Orleans, 43 ff., 779; regulation of, with Indians, 148-51. *See* Merchandise, Stores.
- Transcripts, on appeals from justices' courts, 136, 266, 268; on confessed judgments, 631; of judgments, execution when to issue on, 137, 269; justice to furnish, on writ of certiorari, 242.
- Transportation, *see* Canals, Navigable streams, Ohio Steamboat Navigation Company, Railroads, Roads.
- Treasurers, Indiana Territory, allowance for chest revoked, 250-51; appointment, 468; au-

*Treasurers, Indiana Territory (cont.)*

- ditor's warrants, to pay, 215;  
 bills, to compare with auditor's records, 332; bond, 469; list of, 821; oath, 469; office, examination of ordered, 506; office reorganized, 468-72; persons not eligible for, 275; reports to legislature, 469, 470; salary, 12, 174, 219, 472; sheriffs' bonds to be filed with, 316; tax lists transmitted to, 470, 486; tax moneys, to receive, 321; taxes, delinquent, procedure, 470; taxes, to charge to sheriffs, 470; term, 468; territorial officers dying or resigning, salaries how audited, 688; territorial accounts, 468-70; transfer of accounts to successor, 470-71; warrants, 470, 471, 506.
- Trespass, actions, justices of peace court, 639; by cutting of timber, 355-56; in Lower Prairie, 123; upon public property, 462; *vi et armis*, costs, 449, 569.
- Trial by jury, provision of Ordinance, 95.
- Trotter, James, justice of peace, Jackson County, 846.
- Trotter (Troter), Robert M., director, Vevay Literary Society, 735; justice of peace: Jefferson County, 848; Switzerland County, 857.
- Trover and conversion, actions concerning, when triable by justice of peace, 627.
- Trusts, *see* Frauds and perjuries.
- Tucker, Martin H., justice of peace, Harrison County, 844.
- Tuley, Charles P., judge, Clark County, 831.
- Turner, John, sheriff, Wayne County, 863.
- Turner, William, justice of peace, Knox County, 853.
- United States, attorneys in Indiana Territory, 820; marshal, 821.
- United States Congress, acts quoted in part: adapting Ordinance to Constitution (1789), 98; forming Indiana Territory (1800), 99-100; admitting Ohio to Union (1802), 100-1; extending jurisdiction of general court (1805), 101; forming Michigan Territory (1805), 101-2; extending suffrage (1808), 102; creating Illinois Territory (1809), 102-3; acts mentioned: making councilors and delegate to Congress elective, and providing for apportionment (1809), 8, 831n; authorizing governor to apportion representatives (1809), 9; for sale of land for new capital (1811), 25; on general court (1814), 71; admitting Indiana to Union (1816), 82n; bills: regarding sheriffs, 27; defining duties of territorial judges, 66; resolution, population requirement, Indiana statehood (1811), 41; resolutions and memorials to, *see* General Assembly.
- Valle, Alexander, trustee, Roman Catholic Church, Vincennes, 716, 720.

- Vallonia (Velonia), county seat, Jackson County, 76, 603; laying out authorized, 711-13.
- Van der Burgh, Henry, death, 820n; judge, general court, 820; probate judge, Knox County, 851; relief act for heirs of, 333-34; mentioned, 659.
- Vance, Samuel C., clerk, Dearborn County, 837.
- Vawter, James, justice of peace, Clark County, 833; sheriff, Jefferson County, 849.
- Vawter, John, justice of peace, Clark County, 833; lister of taxes, Jefferson County, 82, 505, 688-89; sheriff, Jefferson County, 849; U. S. marshal, 821.
- Veach, Nathaniel, justice of peace, Harrison County, 844.
- Venditioni exponas, writ of, in sale of real estate, 122.
- Venue, change of, acts providing for, 306-8, 500-3.
- Veto, by Harrison, removal of capital, 25.
- Vevay, incorporated, 80, 674-79; county seat, Switzerland County, 540; proposed location for capital, 26.
- Vevay, Literary Society of, incorporated, 74, 735-37.
- Vevay, Seminary of, incorporated, 81, 679-82.
- View, writs of, 69, 519.
- Vincennes (Post Vincennes, St. Vincent's), French settlers, 92; general court, when held at, 562-63; road to Lower Prairie, 124, 125; seat of government, Indiana Territory, 24-26, 100; starting point, Illinois boundary, 4, 5, 96, 97, 103, 158-59; mentioned, 3, 9-10, 31, 42. *See* Vincennes, Borough of.
- Vincennes, Bank of, incorporation, 74-75, 754-63; joint resolution, governor to suspend subscriptions to, 805-6.
- Vincennes, Borough of, incorporation, 74, 732-34; acts amending incorporation act, 656-60; taxation, 82, 690.
- Vincennes Library Company, lottery authorized for, 105-6; incorporation revived, 297-98.
- Vincennes University, sale of land by trustees of, 191, 722-23, 792-93.
- Voters, qualifications (1787), 93-94; (1805), 6; (1808), 7; (1809), 7; (1811), 28, 38, 226, 230; (1813-14), 67, 489. *See* Elections.
- Wabash River, early settlements along, 9-10.
- Wagnon, William, justice of peace, Posey County, 856.
- Walker, John, justice of peace, Dearborn County, 837.
- Wallace, George, Jr., judge, Knox County, 850, 851.
- Wallace (Wallice), John, justice of peace, Knox County, 852.
- Waller, John, justice of peace, Gibson County, 841.
- Walters, Thomas J., justice of peace, Gibson County, 842.
- Ward, James, justice of peace, Jefferson County, 848; trustee, Lexington, 621.
- Warehouses, *see* Flour, beef, and pork.
- Warfth, Robert, justice of peace, Knox County, 852.
- Warman, Thomas J., justice of peace, Wayne County, 863.

- Warrants, form for justices of peace, 549, 554; militia, 414.  
See Auditor, Treasurer.
- Warrick, Jacob, death, 852; justice of peace, Knox County, 852; mentioned, 354, 355.
- Warrick County, formation, 58, 348-50, 858; apportionment, 65, 68, 455; boundary changes, 529, 530;  
circuit court: length of session, 557; reorganization, 66n, 475, 518; when held, 363, 479, 557;  
county seat commissioners, 431-32; county seat removal, 71-72, 527-29;  
court of common pleas: proceedings legalized, 453-54; when held, 362;  
officers, 858-60; public buildings, 349; temporary county seat, 58, 350, 453-54, 528-29.
- Washington County, formation, 65, 446-48, 860; apportionment, 65, 68, 455; boundary changes, 526-27, 601-2, 643;  
circuit court: length of session, 557; proceedings legalized, 645, 860n; reorganization, 66n, 475, 518; when held, 479, 557;  
officers, 860-62; public buildings, 447; temporary county seat, 447-48.
- Watson, William, justice of peace, Harrison County, 844.
- Wayne County, formation, 10, 11-12, 108-10, 190, 862;  
apportionment: House (1810), 22, 171; (1813-14), 65, 455; Council (1814), 68, 862n;  
circuit court: length of session, 557; presiding officers, 822n; reorganization, 475, 518; when held, 189-90, 283, 362, 479, 557;  
county seat, 31-32, 220;  
court of common pleas: to fill vacancies, county seat commissioners, 110-11; when held, 188-89, 282-83, 362; officers, 862-63; public buildings, 110; temporary county seat, 111.
- Weathers, John, Clark County, justice of peace, 833; sheriff, 834.
- Weathers, Thomas, trustee, Salem, 724.
- Weaver, George, commissioner, subscriptions, Lawrenceburg Bridge Company, 737.
- Weaver, John, administrator of Elijah Sparks, relief act for, 687-88.
- Wells, William, death, 851; justice of peace, Knox County, 851.
- West, Martin, justice of peace, Harrison County, 844.
- Westfall, Abel, Knox County, county seat commissioner, Gibson and Warrick, 431-32; judge, 850, 851.
- Westfall, Abraham, Knox County, justice of peace, 851n; probate judge, 851.
- Westfall, Newton E., allowance, services in contested election, 119; coroner, Knox County, 854.
- Whipping, for counterfeiting, 76, 608; for slaves or servants, 21.
- White, Alexander, justice of peace, Dearborn County, 837.
- White, Isaac, justice of peace, Knox County, 852.
- White, Jonathan, coroner, Dearborn County, 838.

- White River, surveyed by Ralston, 47-48.
- Whitewater River, act for improving navigation of, 43, 298-301; joint action asked of Ohio on opening of stream, 790.
- Whitford, Benjamin, divorce, 727-28.
- Whitford, Nancy, second marriage legalized, 727-28.
- Whitinghill, David, relief act for securities of, 721-22.
- Whitworth, John, Franklin County, judge, 839; justice of peace, 840.
- Wiley, Allen, justice of peace, Switzerland County, 858.
- Wiley, Moses, justice of peace, Dearborn County, 837.
- Wiley, Spencer, justice of peace, Dearborn County, 837.
- Wilhite, Ekellis (Achilles), justice of peace, Jefferson County, 848.
- Wilkinson, Peter, justice of peace: Posey County, 856; Warrick County, 859; representative, Perry and Posey counties, 830, 855, 856.
- Willey's Mill, 51.
- Williams, Joseph, trustee, Indiana Church, 192.
- Williamson, Cornelius, justice of peace, Washington County, 861.
- Williford, William L., justice of peace, Wayne County, 863.
- Wills, executors to give bond, 495; when proven, 496; probate of, 572-73, 617-18; provisions of Ordinance concerning, 92.
- Wilson, Isaac, justice of peace, Franklin County, 839.
- Wilson, Walter, Knox County, brigadier general, Indiana militia, 61n; councilor, 826, 827, 828, 849; justice of peace, 852; mentioned, 506.
- Wilson, William, justice of peace, Dearborn County, 836.
- Winchell, James, justice of peace, Franklin County, 840.
- Winchell, John, coroner, Franklin County, 840.
- Winemiller, Jacob, justice of peace, Knox County, 852.
- Winscott, Thomas, justice of peace, Franklin County, 840.
- Witnesses, circuit judges may subpoena from any county, 521; contested elections, 492; credibility in illegitimacy cases, 147; dedimus for examination of, 127-28, 521-22; depositions taken when, 127-28, 265; examination of, 365; fees, 40-41; justice may subpoena from any township of county, 264-65; nonattendance, 40, 265, 492; voluntary, to indorse indictment, 65, 448-49; when required, actions for debt, 466-67. *See Fees, Fines.*
- Wolves, bounty for killing, 37, 222-23.
- Wood, Elizabeth, *see* Elizabeth Smith.
- Wood, James Noble, judge: Clark County, 831, 832; Knox County, 850.
- Wood, Richard, justice of peace, Switzerland County, 858.
- Wooly, James, justice of peace, Jefferson County, 848.
- Work, John, Clark County, representative, 113, 826, 831; trustee, Charlestown, 140-42.



- Wright, John, justice of peace:  
Harrison County, 844; Wash-  
ington County, 860.
- Wright, Noah, sheriff, Washing-  
ton County, 861.
- Wright, Robert, incorporator,  
Decatur Bridge Company, 660.
- Writs, clerks, circuit court, to  
attest, 522. *See* names of  
writs.
- Written instruments, how as-  
signable, 503. *See* Executors.
- Young, Aaron, justice of peace,  
Knox County, 853.
- Young, Adam, Warrick County,  
county seat commissioner, Po-  
sey County, 531.
- Young, James, judge, Washing-  
ton County, 860; justice of  
peace: Harrison County, 843;  
Washington County, 860.
- Zenor, Jacob, justice of peace:  
Clark County, 833; Harri-  
son County, 843;  
major, militia, 62.











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